Australian Government

Australian Communications and Media Authority

Final Investigation Report – Dabble Sports Pty Ltd

Summary	
Entity	Dabble Sports Pty Ltd (**Dabble**)
Australian Company Number	641 982 425
Relevant legislation	*Interactive Gambling Act 2001*
Type of activity	Part 7B – National Self-Exclusion Register
Findings	No contraventions of subsection 61KA(3) [Provision of licensed interactive wagering services to registered individuals] 560 contraventions of subsection 61LA(2) [Sending regulated electronic messages to registered individuals] 279 contraventions of subsection 61LA(4) [Sending regulated electronic messages to registered individuals – recklessness of the provider] 19,750 contraventions of subsection 61MB(5) [Not closing a wagering account held by a registered individual – no outstanding bets] 367 contraventions of subsection 61MC(5)(e) [Not closing a wagering account held by a registered individual – outstanding bets] 1 contravention of subsection 61MC(5)(f) [Failing to ensure that a licensed interactive wagering services account was not used in relation to the provision of licensed interactive wagering services to individuals after a person ceased to be a registered individual] 2,032 contraventions of subsection 61JP(5) [Failure to promote the NSER as required by subsection 25(3) of the *Interactive Gambling (National Self-exclusion Register) Register Rules 2022*.

Publication note: '[….]' indicates that text has been removed from the publication version of this report. The removed text is commercially or operationally sensitive information, or is personal information.

Background

1. BetStop - the National Self-exclusion Register™ (**NSER**) allows Australians to self-exclude from all interactive licensed wagering service providers (**IWPs**) in a single process. Given the serious consumer harm that could result from non-compliance with the NSER, the ACMA expects IWPs to maintain their systems to enable full compliance.

2. On 2 July 2025, the ACMA commenced an investigation into Dabble's compliance with the Interactive Gambling Act 2001 (**IGA**) after receiving consumer complaints alleging that they had received electronic marketing material from Dabble whilst registered on the NSER.

Information considered by the ACMA

3. On 10 July 2025, under paragraph 173(b) of the *Broadcasting Services Act 1992*, the ACMA gave Dabble a Notice requiring it to provide information for the purposes of the investigation (the **Notice**).

4. A response to the Notice was due on 8 August 2025. Dabble made 2 submissions to respond to the Notice:

   > 10 September 2025, a partial response comprising of customer and communications data (Submission 1)

   > 30 September 2025, comprising of a full written response alongside the data (Submission 2)

5. In Submission 2, Dabble self-reported that in compiling its response to the Notice, it had identified a campaign configuration error with its marketing. Dabble submitted that the configuration error occurred due to a "one-off human error", which led to the 2 complaints the ACMA referred to in the Notice. Dabble submitted that other registered individuals had also received messaging as a result of the error and in total, the error resulted in 572 SMS messages and emails being sent to 176 registered individuals. The ACMA requested further information from Dabble regarding the 176 customers and 572 messages.

6. Dabble made a further submission containing this information on 12 November 2025 (Submission 3). In this submission Dabble noted that upon further review it identified that it sent 160 registered individuals 563 messages from the campaign, slightly lower than the figure it cited in Submission 2.

7. The ACMA's findings are based on:

   > Submissions 1, 2 and 3

   > records extracted from the NSER by the ACMA which record when affected customers were registered individuals.

   > Dabble's submissions of 3 March and 12 March 2026 in response to the ACMA's preliminary findings (Submissions 4 and 5).[1]

8. [….]

9. The reasons for the ACMA's findings, including the key elements which establish the contraventions are set out below.

Summary of the accounts considered

> The accounts of Complainant 1 and Complainant 2.

> A sample of 100 customers. The ACMA asked Dabble to provide customer information for the first 100 customers (with an existing Dabble account), that Dabble identified as a registered individuals for the first time from 1 May 2025. The ACMA also requested the details of any messages Dabble sent to these individuals in the 7 days prior to identifying them as registered individuals.

> Accounts associated with a 'Birthday campaign' spanning December 2024 to June 2025. During the investigation process, Dabble submitted that it sent

[1] The references per Submissions throughout this report are according to this labelling.

marketing messages to 160 registered individuals for their birthdays. The 160 individuals included the 2 complainants.

Relevant legislative provisions

10. 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** including, where necessary, references to the *Interactive Gambling (National Self-exclusion Register) Register Rules 2022* (**Register Rules**) and the *Telecommunications Act 1997*. Unless otherwise specified all references to provisions within legislation in the report are a reference to provisions within the IGA.

Reason for Findings

Finding 1 – No breach: Prohibition of the provision of licensed interactive wagering services to registered individuals (subsection 61KA(3))

Regulatory obligation

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

12. A licensed interactive wagering service is defined by 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).

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

13. Dabble is licensed by the Northern Territory Racing and Wagering Commission (NTRWC) to provide licensed interactive wagering services in Australia.[2] For this reason, Dabble is included on the ACMA's Register of licensed interactive gambling providers maintained under section 68 of the IGA.[3]

14. As such, Dabble is an IWP for the purposes of the IGA, and the obligations under Part 7B apply.

Did Dabble provide licensed interactive wagering services to registered individuals?

15. The ACMA investigated whether Dabble provided wagering services to Complainants 1 and 2 within the scope of this investigation. The scope covered the dates the complainants registered with the NSER up to the date of the Notice served to Dabble.

16. In Submission 1, Dabble submitted that neither Complainant 1 or 2 were provided with wagering services after they registered with the NSER. The ACMA has found no evidence that Complainants 1 or 2 were provided wagering services (i.e. were able to place a bet) by Dabble while self-excluded with the NSER.

[2] A list of licensed providers is contained on the NTRWC website: https://dth.nt.gov.au/boards-and-committees/racing-commission/sports-bookmakers-and-betting-exchange-operators Accessed 8 April 2026
[3] This register is available on the ACMA's website: https://www.acma.gov.au/check-if-gambling-operator-legal Accessed 8 April 2026

17. Therefore, the ACMA finds no breach for subsection 61KA(3).

Finding 2 - Breach: A regulated electronic message must not be sent to an electronic address of a registered individual (subsection 61LA(2))

18. Part 7B of the IGA has 2 provisions about the sending of marketing messages. An IWP must not send a regulated electronic message to a registered individual in circumstances where the IWP:

> has knowledge that the electronic address belongs to a registered individual, or

> is reckless to the fact that the electronic address belongs to a registered individual.

19. Finding 2 considers whether Dabble had knowledge that the electronic addresses belonged to registered individuals. Finding 3 considers whether Dabble was reckless to the fact that the electronic addresses belonged to registered individuals.

Regulatory Obligation

20. 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 (see subsection 61LA(2)).

21. A regulated electronic message is defined by section 61GF as an electronic message where, having regard to:

a) the content of the message; and

b) the way in which the message is presented; and

c) the content that can be located using the links, telephone numbers or contact information (if any) set out in the message;

it would be concluded that the purpose, or one of the purposes, of the message is:

d) to offer to provide licensed interactive wagering services; or

e) to advertise or promote licensed interactive wagering services; or

f) to advertise or promote a provider, or prospective provider, of licensed interactive wagering services.

22. To assess compliance with subsection 61LA(2), the ACMA considers the following:

> Did the IWP send or cause to be sent, messages?

> If so, were the messages, electronic messages?

> If so, were they regulated electronic messages for the purposes of the IGA?

> If so, were the regulated electronic messages sent to the addresses of registered individuals?

> If so, did the IWP know the address belonged to a registered individual?

These questions are considered in turn below.

Did Dabble send, or cause to be sent messages?

Messages sent to Complainants 1 and 2 and to the sample of 100 customers

23. The ACMA requested the details of any messages Dabble had sent to the first 100 customers it identified as self-excluded in May 2025, in the 7 days before identifying them as self-excluded. The ACMA also requested details for any messages Dabble

sent to Complainants 1 and 2 from the start of their respective self-exclusion periods to the date of the Notice (10 July 2025).

24. In Submissions 1 and 2, Dabble provided the ACMA with evidence, in the form of spreadsheets, that it sent 2,323 messages to 98 customers, including Complainants 1 and 2. Dabble provided details of the messages it sent, including the date, time and content. These 2,323 messages comprised of 66 unique messages, with various bonuses offered and some administrative messages.

25. Dabble submitted that it sent Complainant 1, 2 emails and 2 SMS messages and that it sent Complainant 2, 3 emails and 2 SMS messages.

Birthday campaign

26. Following Dabble's self-report of a marketing campaign error, the ACMA requested the details of all the messages it had sent to registered individuals as per Dabble's admission. Dabble submitted that it sent 563 messages to 160 registered individuals.

27. The ACMA reviewed this submission and excluded any messages already considered through the first 2 submissions from Dabble (including messages sent to Complainants 1 and 2). This left 530 messages Dabble sent to 151 registered individuals.

28. In total, across the submissions there were 2,853 messages identified to have been sent to 249 customers:

> 278 SMS messages
> 499 emails
> 2,076 push notifications

<u>Were the messages, electronic messages?</u>

29. Section 61GE of the IGA defines an electronic message as 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.

SMS and email messages

30. SMS messages are messages sent using a listed carriage service, or an internet carriage service, to a telephone number in connection with a telephone account. The ACMA is of the view that the 278 SMS messages that were sent by Dabble are electronic messages under subparagraphs 61GE(1)(a)(ii) and (b)(iii).

31. Email messages are messages sent using an internet carriage service to an email address in connection with an email account. The ACMA is of the view that the 499 email messages that were sent by Dabble are electronic messages under subparagraphs 61GE(1)(a)(i) and (b)(i).

Push notifications

32. Push notifications are a type of message sent to a software application (app) that has been downloaded on a device. In the context of this investigation, the ACMA looked at whether the 2,076 push notifications Dabble sent to users of the Dabble mobile app were electronic messages within the meaning of section 61GE. This assessment is detailed in **Attachment B**. It explains why the ACMA is of the view that the push notifications sent by Dabble were electronic messages and subject to the marketing prohibitions under section 61LA (as discussed below).
33. Based on the assessment at Attachment B, the ACMA is of the view that the 2,076 push notifications that were sent by Dabble were sent using an internet carriage service to an electronic address. This electronic address is a push token issued by Apple or Google, which is in connection with an Apple or Google account, being a similar account to an email, instant messaging or telephone account.
34. The ACMA is of the view that the 2,076 push notifications that were sent by Dabble are electronic messages under subparagraphs 61GE(1)(a)(i) and (b)(iv).

<u>Were the messages regulated electronic messages?</u>

Messages sent to Complainants 1 and 2 and to the sample of 100 customers

35. In Submission 1 and 2, Dabble provided copies of each of the messages sent to customers within the scope of this investigation. Dabble described the purposes of these messages as a mix of offers, administrative notifications and advertisements of events. Administrative notifications included notifications that Dabble had identified a customer as self-excluded with the NSER and their account had been closed.
36. The ACMA has reviewed the content of these messages against the definition of regulated electronic messages per 61GF of the IGA (noted in paragraph 21).
37. The ACMA noted 97 email messages Dabble sent to notify the consumer that Dabble had identified them as self-excluded with the NSER (including 1 email to Complainant 2). These messages are required to be sent by a licensed interactive wagering provider as per Section 24 of the *Interactive Gambling (National Self-exclusion Register) Register Rules 2022*.
38. The ACMA assessed these messages and considered they did not encourage wagering or promote Dabble's wagering services.
39. The ACMA also noted 2 push notifications out of the 2076 Dabble sent were to advise consumers that their deposit had been refunded. Licensed IWPs are required to refund any balance of registered individuals under subsections 61MB and 61MC of the IGA.
40. The ACMA assessed these messages and considered they did not encourage wagering or promote Dabble's wagering services.
41. The ACMA considers the purpose of the 97 emails and 2 push notifications was administrative in nature and they did not have another purpose, such as marketing of the IWP's wagering services. Therefore, the ACMA's view is that the 99 messages (97 emails and 2 push notifications) were not regulated electronic messages for the purposes of section 61GF of the IGA.

Birthday campaign

42. Dabble submitted that all of the new messages it provided in Submission 3 (530 in total) were sent with the purpose “to celebrate a customer’s birthday and give them a gift”. The messages offered a “bonus cash spin” for each customer’s birthday.

43. Therefore, the ACMA’s view is that the 530 messages were regulated electronic messages and no messages from Submission 3 were excluded.

Summary

44. Excluding the 99 messages from Submissions 1 and 2, which the ACMA does not consider regulated electronic messages, left 2,754 messages in total.

45. Upon review, the ACMA considers that each of the remaining 2,754 messages was a regulated electronic message as the purpose, or one of the purposes, of the message was to offer to provide licensed interactive wagering services or otherwise advertise or promote licensed interactive wagering services provided by Dabble. Each unique message contained a variation of an offer of stakes, promotional credit, notifications of app features and chat notifications. A sample of messages is included at **Attachment C**.

46. As a result, it is the ACMA’s view that Dabble sent 2,754 regulated electronic messages.

<u>Were the regulated electronic messages sent to electronic addresses of registered individuals?</u>

47. Submission 1 and 2 provided information about each of the 100 customers that Dabble identified as registered individuals for the first time in May 2025, including their mobile phone number and email address. This also included any messages sent in the 7 days prior to Dabble identifying them as self-excluded. Dabble’s submissions also included customer information about Complainants 1 and 2 and any messages Dabble sent them from their respective self-exclusion dates to the date of the Notice.

48. Submission 3 provided information about each registered individual that Dabble sent its birthday campaign messages to.

49. The ACMA cross referenced the customer information from all submissions with the NSER to identify each Dabble customer’s entry in the NSER and confirmed their status as registered individuals (including the time they became registered individuals).

50. The ACMA then investigated the date and time each customer became a registered individual to determine whether a message was sent to the electronic address of a customer while they were a registered individual. From this the ACMA excluded 1,834 messages from analysis as they were sent before the customers became registered individuals.

51. In Submission 1 and 2, the ACMA identified 390 regulated electronic messages sent by Dabble to electronic addresses of 19 registered individuals.

52. In Submission 3 the ACMA identified 530 regulated electronic messages sent by Dabble as part of the birthday campaign to electronic addresses of 151 registered individuals.

53. In total, across all submissions, there were 920 regulated electronic messages identified to have been sent by Dabble to electronic addresses of 170 registered individuals.[4]

54. The ACMA is of the view that the electronic addresses were electronic addresses of registered individuals, because they were either:

> In the case of phone numbers and email addresses:

- listed in an individual's NSER record, and/or
- identified through the ACMA's analysis of information Dabble provided in Submissions 1 and 3 about each relevant customer it sent electronic messages to.

> In the case of electronic addresses (being push tokens) for push notifications:

- an app user must consent to receive push notifications
- after a user downloads the app and consents to receive push notifications, a push token must be generated by Apple or Google for the sole purpose of enabling an app developer to be able to communicate directly with the user of that device through the use of push notifications
- the app developer must store this information in order to communicate with Apple push notification services (APNs) and Firebase Cloud Messaging services (FCMs)[5] to send push notifications. Dabble provided evidence that it recorded information about each of the push notifications it sent to each of the customers, suggesting a connection and association between the message and the recipient
- information from Apple and Google as described in **Attachment B** suggest that they maintain a connection between the push notification and the relevant Apple or Google account holder who downloads an app (respectively).

<u>Was the electronic address known by Dabble to be an electronic address of a registered individual?</u>

55. The Register operator is the body corporate engaged to provide and operate the NSER. Under section 61NC an IWP may request the Register operator to inform it whether a current or prospective customer is a registered individual.

56. Subsection 61LA(2) provides that an IWP 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.

57. Dabble submitted that its normal process is to check customers' details against the Register prior to sending any marketing. If there is a match, Dabble claims that it does not send marketing.

58. However, this is not consistent with NSER records for the customers considered below.

[4] 920 of the 2,754 regulated electronic messages were sent after the relevant Dabble customers became registered individuals.
[5] See Attachment B.

Messages sent to the sample of 100 customers and Complainants 1 and 2

59. From a review of system logs, the ACMA established that the Register operator informed Dabble, in response to requests made by Dabble under section 61NC, that 12 of the 19 Dabble customers were registered individuals before Dabble sent 36 of the 390 messages. Therefore, Dabble was aware that the 12 customers were registered individuals when it sent the 36 messages.

60. Despite this, Dabble submitted that it sent the 36 messages to the 12 registered individuals.

61. For each of the 12 customers, Dabble provided the ACMA with the email addresses, phone numbers, and Dabble accounts it sent the emails, SMS messages and push notifications to. Through this, the ACMA considered that Dabble knew that the electronic addresses to which it sent the 36 messages to belonged to the 12 registered individuals.

Corrections from Submission 4 relevant to the sample of 100 customers

62. In Submission 4, Dabble submitted corrections to its Notice response regarding 6 of the 36 messages:

    > That it submitted the wrong time of sending for 4 messages sent to 2 consumers.

    > That it submitted the wrong timestamp for when it first identified one of the consumers was a registered individual. It sent this consumer 2 messages.

63. The ACMA re-examined all of the 390 messages. Based on this new information, it determined that 4 of the messages were sent before the consumers became registered individuals, leaving 386 messages sent to 17 consumers to consider from the sample of 100 customers.
64. The ACMA also determined that 2 of the messages were sent after the consumer became a registered individual but before Dabble identified them as a registered individual. These messages are considered under Finding 3.
65. The ACMA therefore excluded the 6 messages (sent to 3 consumers) from the determination made at paragraph 61.
66. The ACMA is of the view that the remaining 30 messages sent by Dabble were sent to electronic addresses that belonged to the 9 registered individuals at the time the messages were sent.
67. These messages include 4 emails and 4 SMS messages Dabble sent to Complainants 1 and 2 after they became registered individuals.
68. The ACMA also established that Dabble sent each of the 30 messages between 2 hours and 625 days after the consumers registered with the NSER.

Birthday campaign

69. From a review of system logs, the ACMA established that the Register operator informed Dabble, in response to requests made by Dabble under section 61NC, that the 151 Dabble customers were registered individuals before Dabble sent all of the 530 messages.

70. Across submissions, Dabble submitted the below as an explanation for the birthday campaign marketing sent to registered individuals:

> The customer was checked against the BetStop register via the API prior to this message being sent. A match was returned, and the customer account was closed in [customer account system] with marketing eligibility removed in [CRM system][6] in accordance with standard process. However, due to a staff error in configuring the birthday message template in [CRM system], the customer was incorrectly included in the campaign send list and received the message. This error is the same as that identified for complainants 1 and 2.

71. For each of the 151 customers, Dabble provided the ACMA with the email addresses, phone numbers, and Dabble accounts it sent the emails, SMS messages and push notifications to. Dabble also provided the times and dates it sent each of the messages to each of the addresses. Dabble submitted that it sent the messages *after* being informed the customers were registered individuals by the Register operator and that it knew the electronic addresses belonged to the 151 customers at the time of sending. Through this, the ACMA considers that Dabble knew that the electronic addresses to which it sent the 530 messages to belonged to the 151 registered individuals.

72. Therefore, the ACMA is of the view that the 530 messages sent by Dabble were sent to electronic addresses that it knew belonged to the 151 registered individuals at the time the messages were sent.

73. The ACMA also established that Dabble sent each of the 530 messages between 1 hour and 15 minutes and 643 days after the consumers registered with the NSER.

<u>Reasonable precautions and due diligence</u>

74. The IGA provides a defence, of taking reasonable precautions and exercising due diligence, to a range of offence and civil penalty provisions applicable to IWPs, including the following considered in this investigation:

    > Sending or causing to be sent, a regulated electronic message to an electronic address of a registered individual, where the electronic address is known by the provider to be an electronic address of a registered individual or the provider is reckless to the fact that the address is that of a registered individual (section 61LA).

    > Not closing the interactive wagering account/s of a registered individual with no outstanding or pending bets (section 61MB).

    > Not closing the interactive wagering account/s of a registered individual with outstanding/pending bets (section 61MC).

75. An IWP bears the evidential burden of establishing this defence – which includes being able to produce records and evidence that demonstrates it took reasonable precautions and exercised due diligence (section 96 of the *Regulatory Powers (Standard Provisions) Act 2014*).

76. In Submission 4, Dabble submitted that it had taken reasonable precautions and due diligence to avoid contravening subsection 61LA(2) of the IGA (as per 61LA(6)) through the following:

[6] Customer Relationship Management system

> Its NSER API Integration, which it uses to query the Register at multiple points for accounts actively accessing its services
> Accounts being automatically closed and not reopened following a match against the NSER
> Its automated marketing suppression following a match
> Its documented policy prohibition of sending marketing to registered individuals
> Its staff training and awareness of their obligations regarding the NSER; and
> Established technical controls for querying account status prior to sending marketing

77. Dabble also submitted the following:

> The birthday campaign incident occurred notwithstanding these controls due to a discrete inadvertent human error of the campaign configuration. It did not occur due to a lack of compliance controls. It occurred despite the compliance controls and we say, despite Dabble's reasonable precautions and due diligence.

78. The ACMA has considered these submissions but does not accept this defence for the reasons below.

79. For clarity, the ACMA notes that all the messages under consideration for Finding 2 were part of the 'Birthday campaign' (which included those sent to Complainants 1 and 2 and relevant individuals from the sample of 100).

80. Section 61NC of the IGA provides that an IWP can check the registration status of an individual at any time of day or night by making a request to the Register operator. Under subsection 61NC(6) an IWP must be 'connected' to the NSER so that it can make such requests.

81. Therefore, ACMA does not accept that simply having a connection to query the NSER is an example of taking reasonable precautions and exercising due diligence to enliven the exception of 61LA(5).

82. Dabble also submitted that automatically closing accounts it has identified as belonging to registered individuals constitutes as an example of taking reasonable precautions for this conduct. Subsection 61LA(2) relates only to the conduct of sending regulated electronic marketing to registered individuals, with no reference to closing accounts.

83. It is a wagering provider's responsibility to ensure closing an account means a former customer cannot receive marketing anymore. However, as demonstrated by the birthday campaign, closing the relevant consumers' accounts did not stop Dabble from sending marketing to said consumers. Therefore, the ACMA does not accept that closing accounts alone is an example of due diligence or reasonable precautions to avoid contravening this marketing provision.

84. The ACMA also acknowledges that Dabble had an existing policy and process of ordinarily supressing marketing to registered individuals as well as its documentation of guidelines for staff for compliance with NSER obligations. However, this did not prevent Dabble from sending marketing to registered individuals.

85. Therefore, the ACMA does not accept Dabble's characterisation of the marketing occurring 'despite' its compliance controls and not because of a lack of controls.

86. On 29 November 2023 the ACMA issued a compliance update[7] to industry regarding issues it had seen from industry. Dabble received this update via email. In this update, the ACMA noted that it had observed some providers relying on manual processes. Specifically, it stated:

> Wagering providers must ensure they have robust processes and safeguards in place so they do not market to self-excluded individuals.
>
> We have seen evidence across multiple providers that manual processes are being used to remove self-excluded persons from marketing lists. We have also seen multiple instances where processes and procedures have not been followed, resulting in marketing being sent to self-excluded customers.
>
> These errors suggest a lack of training and/or oversight of these manual processes. It may also indicate a lack of investment in technology to assist with the removal process.
>
> Given the regulatory obligations on wagering providers and the significant harms that can be caused by non-compliance, the ACMA expects that providers will have mature and robust processes in place to achieve compliance.

87. The ACMA is of the view that by allowing for a human intervention (staff manually updating a template message) to override its ordinary process of marketing suppression, Dabble's systems were made vulnerable to human error, which resulted due to a lack of oversight and ongoing assurance monitoring. The ACMA expects wagering providers to maintain compliance with the IGA through ongoing due diligence, not set and forget measures. In the same November 2023 update, the ACMA stated:

> Wagering providers should have a compliance program that provides ongoing assurance that their systems and processes are working as intended to achieve compliance. Through industry engagement, we have found multiple instances where providers' systems are not performing as intended and this is only being discovered when complaints are raised with a wagering provider. For example, marketing systems and lists not being updated when a person is identified as self-excluded.
>
> It is not sufficient to simply establish compliance systems and processes. As part of an ongoing compliance program, the ACMA expects that providers conduct ongoing review and testing of their systems and processes to proactively monitor compliance. This also applies where third party IT systems are used.

88. If Dabble had maintained robust systems and processes, including ongoing reviews of its compliance program, the ACMA considers it would have been able to prevent the electronic messages being sent. The ACMA reiterated its November 2023 advice in a 28 May 2025 compliance update:[8]

> Oversight of systems must be ongoing
>
> It is not sufficient to develop systems to comply without monitoring their operation. An investigation found that one wagering provider's connection to the NSER was severed during a system update. The provider had no monitoring in place to detect this, contributing to ongoing non-compliance.
>
> What to do
>
> Providers must apply robust and ongoing oversight, including by senior management teams, to ensure that systems and processes work as designed. This may include

[7] ACMA 29 November 2023 compliance bulletin
[8] ACMA 28 May 2025 compliance bulletin

testing, monitoring and reporting to ensure that systems for NSER compliance work after system updates.

[…]

Manual processes introduce risk – take extra care

Some ACMA investigations have identified that marketing breaches occurred as a result of manual processes and human error – for example, manually removing an email from a marketing list if someone is found to be excluded. Manual processes introduce additional risks associated with human error.

What to do

Manual processes need to be appropriately mature, robust and subject to scrutiny. Check our November 2023 compliance update for more information.

89. The ACMA considers that Dabble had been made well aware of the risk of using manual processes. The circumstances of this investigation demonstrate the consequences of such processes. Therefore, the ACMA does not accept Dabble's position that relying on its existing compliance program constituted taking reasonable precautions and exercising due diligence to avoid contravening 61LA(2).

90. For the reasons outlined above, the ACMA does not accept Dabble's claim that its series of measures (as set out in paragraph 76) amounted to taking reasonable precautions and exercising due diligence to enliven the exception from 61LA(5).

Summary

91. In total, across all submissions, the ACMA identified 560 messages Dabble sent to 160 registered individuals after being informed they were registered individuals by the Register operator. The breakdown of these messages include:

> 268 SMS messages to 138 unique phone numbers belonging to registered individuals
> 288 emails to 156 unique email addresses belonging to registered individuals
> 4 push notifications to electronic addresses belonging to 3 registered individuals.

92. Based on all submissions and these circumstances, the ACMA finds that Dabble sent 560 regulated electronic messages to electronic addresses where it knew the electronic addresses belonged to registered individuals in contravention of subsection 61LA(2). [….]

Finding 3 – Breach: A regulated electronic message must not be sent to an electronic address of a registered individual – recklessness of provider (subsection 61LA(4))

Regulatory obligation

93. An IWP must not send, or cause to be sent, a regulated electronic message to an electronic address where the IWP is reckless as to the fact that the electronic address is an electronic address of a registered individual (see subsection 61LA(4)).

Did Dabble send, or cause to be sent, electronic messages?

94. As established in Finding 2, the ACMA found that Dabble sent 2,853 electronic messages to 249 customers identified across all submissions (see paragraph 28).

Were the messages regulated electronic messages?

95. Finding 2 also established that 2,754 of these messages were regulated electronic messages (see paragraph 46).

Were the regulated electronic messages sent to electronic addresses of registered individuals?

96. Finding 2 established that Dabble sent 920 regulated electronic messages to electronic addresses of registered individuals (see paragraph 53). The breakdown of these messages per the submissions (386 and 530, respectively) is below.

Messages sent to Complainants 1 and 2 and to the sample of 100 customers

97. Dabble sent 386 regulated electronic messages associated with 17 registered individuals at the time of sending.

98. The ACMA's view is that Dabble had 'knowledge' that 9 of the 17 individuals were registered individuals when it sent the messages because Dabble sent 30 of the 386 messages to 9 of the 17 registered individuals *after* Dabble had been informed they were registered individuals by the register operator.

99. The remaining 356 messages that were sent to 8 registered individuals are considered here under Finding 3.

Birthday campaign (excluding Complainants 1 and 2)

100. Dabble sent 530 regulated electronic messages associated with 151 registered individuals at the time of sending.

101. The ACMA's view is that Dabble had 'knowledge' that all 530 messages were sent to the 151 registered individuals *after* Dabble had been informed they were registered individuals. Therefore, the 530 messages from Submission 3 all fall under Finding 2.

Was Dabble reckless to the fact that the electronic address it sent messages to an electronic address of a registered individual?

102. Subsection 61LA(4) is a civil penalty provision, which prohibits IWPs from sending, or causing to be sent, regulated electronic messages where the IWP is reckless to the fact that the electronic address is an electronic address of the registered individual. This provision provides an alternative to the civil penalty provision at subsection 61LA(2) which applies where an IWP has knowledge of the fact that the electronic address belongs to a registered individual.

103. Subsection 61LA(5) sets out the relevant test for recklessness:

> 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.

Messages sent to Complainants 1 and 2 and to the sample of 100 customers

104. According to NSER records, all 8 customers were registered individuals at the time Dabble sent them the 356 messages.

105. However, from a review of system logs, the ACMA has established that Dabble did not check the register prior to sending the electronic messages. This is because the

records indicate that the Register operator informed Dabble, in response to requests made by Dabble under section 61NC, that the 8 Dabble customers were registered individuals *after* Dabble sent them 356 messages.

106. Accordingly, the ACMA is of the view that Dabble did not have knowledge the electronic addresses of the 8 customers belonged to registered individuals at the time of sending the 356 messages. Therefore, Dabble's compliance with subsection 61LA(4) has been considered.

107. The ACMA acknowledges that, in the ordinary course of events, a wagering provider must take several steps to stop marketing to someone registered with the NSER. Once a person becomes a registered individual, a wagering provider needs to proactively query the register (for example, before it sends marketing) and then unsubscribe that person from marketing. As such, it is not always possible to prevent a person from receiving marketing immediately once they register with the NSER.

108. Consumers are advised when registering with the NSER, that self-exclusion may take 1 hour to become effective. As such, there is an understanding that a person may receive marketing material shortly after self-excluding. The ACMA also acknowledges that marketing campaigns involve processes to prepare and distribute messages.

109. For this reason, it may not be possible for an IWP to confirm whether the recipient of a message is a registered individual immediately prior to that message being sent.

110. Seven regulated electronic messages were sent to a customer within 1 hour of them becoming a registered individual. Noting the ACMA's observations above, about time taken for a person's registration to come into effect and reasonable time to prepare and distribute messages, the ACMA has excluded these 7 messages from the findings. This left 349 messages Dabble sent to 5 registered individuals.

Submission 5

111. In Submission 5 Dabble submitted that:

a) 74 pushes [….] were sent during periods when the individuals were not registered and the NSER was returning "No Match".

b) 4 pushes were short-window events following same-day "No Match" responses.

c) 269 pushes were transactional bet alerts sent prior to regulatory clarification that push notifications constituted electronic messages.

The ACMA has considered these points in turn below.

Individuals with multiple self-exclusion periods (74 messages)

112. On 17 February 2026, Dabble requested the ACMA confirm 2 individuals' self-exclusion periods [….]. The ACMA provided this information, noting that the consumers had multiple self-exclusion periods. The NSER allows consumers to register for specified periods and re-register if they wish to.

113. In Submission 5 (see paragraph 111.a) Dabble submitted that 74 messages were sent to 2 consumers while they were no longer registered, as they had been registered for short periods prior to opening their Dabble accounts.

114. Upon examination of Dabble's claims, the ACMA determined that 70 messages were sent in the period between the 2 consumers' multiple self-exclusion periods.

115. As these 70 regulated electronic messages were not sent to the electronic addresses of registered individuals at the time of sending, the ACMA has determined

they do not fall under 61LA(4). Therefore, the ACMA has excluded those 70 messages, leaving 279 messages sent to 5 registered individuals.

116. For the remaining 4 messages (of the 74), all sent to [….], the ACMA found that they had been sent over one hour after the consumer became a registered individual again. The ACMA does not accept Dabble's position that these 4 messages do not constitute breaches of 61LA(4), noting they were sent outside of the window outlined at paragraphs 108 to 110. The 4 messages were sent to the electronic address of an individual who was registered at the time of sending and have therefore remained under consideration.

Messages sent hours after registration (4 messages)

117. In Submission 5 (111.b) Dabble submitted that 4 messages sent to another 2 registered individuals should be excluded from the findings as they were sent "within a short interval (approximately 1–3 hours)". Dabble submitted that these messages were "event-triggered "new bet alert" notifications ("triggered when a tipster or followed user placed a bet") and were not marketing campaigns". An example of the "new bet alert" push notifications is at **Attachment C**.

118. The ACMA does not accept that messages sent to registered individuals informing them of a "new bet alert" do not meet the definition of a regulated electronic message. Notwithstanding Dabble's submission that these messages were not part of a marketing campaign, the ACMA has found that these messages were regulated electronic messages as the purpose, or one of the purposes, of the messages was to offer to provide licensed interactive wagering services or otherwise advertise or promote licensed interactive wagering services provided by Dabble (see footnote 9 for definition of regulated electronic message).[9]

Messages regarding "bet alerts" (269 messages)

119. In Submission 5 (111.c) Dabble submitted that 269 push notifications should be excluded from the findings as the alerts:

> Were triggered when a tipster or followed user placed a bet;
> Were follower-driven and event-triggered;
> Contained no inducement, bonus or promotional language;
> Were categorised internally as transactional or social notifications;
> Were not direct marketing campaigns; and
> Transactional bet alerts were not architected to trigger a discrete NSER query prior to dispatch because, at the relevant time, they were not considered regulated electronic messages.

120. Subsection 61GF(1) provides the definition of a regulated electronic message (see footnote 9). The definition of a regulated electronic message recognises that a message may have more than one purpose.

[9] A regulated electronic message is defined by section 61GF as an electronic message where, having regard to:

a) the content of the message; and
b) the way in which the message is presented; and
c) the content that can be located using the links, telephone numbers or contact information (if any) set out in the message;

it would be concluded that the purpose, or one of the purposes, of the message is:

d) to offer to provide licensed interactive wagering services; or
e) to advertise or promote licensed interactive wagering services; or
f) to advertise or promote a provider, or prospective provider, of licensed interactive wagering services.

121. Dabble submitted that these messages were categorised as ‘transactional or social notifications’. However, the ACMA has found that the messages offer, advertise or promote the use of Dabble’s wagering services. The notifications encourage users to engage with wagering activity through Dabble’s app, notwithstanding how Dabble characterises the messages internally. Because of this purpose, the ACMA found that the messages are regulated electronic messages.

122. Accordingly, the ACMA has assessed that the 269 push notifications met the definition of a regulated electronic message as the purpose, or one of the purposes, of the messages were to offer to provide licensed interactive wagering services or to advertise or promote licensed interactive wagering services.

123. Dabble also submitted that it did not query the Register prior to sending the 269 push notifications because “at the relevant time, they were not considered regulated electronic messages”. Dabble submits that it only updated its processes to consider push notifications electronic messages after 28 May 2025, when the ACMA issued a compliance update to industry.[10] The reasons for push notifications being categorised as regulated electronic messages is at **Attachment B**.

124. The ACMA did not decide that push notifications were regulated electronic messages from 28 May 2025 onwards. The ACMA is of the view that these messages were regulated electronic messages from the commencement of the NSER (21 August 2023) and as per the definition of regulated electronic messages in the IGA. The purpose of the 28 May 2025 compliance update was to underscore the ACMA’s first published investigation findings regarding NSER investigations. These investigations included an investigation where a provider was found to have breached 61LA(4) by sending pushing notifications in late 2023.

125. Furthermore, in a 29 November 2023 compliance update[11] (which Dabble received by email), the ACMA advised:

> **Types of marketing**
> Wagering providers should take care to understand whether the messages they are sending meet the definition of a ‘regulated electronic message’ under section 61GF of the *Interactive Gambling Act 2001*.
>
> A regulated electronic message is a message where the purpose, or one of the purposes, of which is to offer, advertise or promote a licenced interactive wagering service.
>
> These messages can include SMS, email and app push notifications.

126. Therefore, it does not follow that messages sent by a provider in 2025 should not be considered regulated electronic messages because they were sent before a compliance update on 28 May 2025 reminding IWPs of their obligations.

127. The ACMA does not accept that Dabble’s failure to consider push notifications regulated electronic messages exempts them from findings under 61LA(4).

128. Following exclusion of the 70 messages (see paragraph 115), the ACMA considered the remaining 279 regulated electronic messages under 61LA(4). The reasons for the ACMA’s findings are further set out below.

[10] ACMA 28 May 2025 compliance bulletin
[11] ACMA 29 November 2023 compliance bulletin

Recklessness

129. The ACMA issued a compliance bulletin on 22 September 2023[12] that alerted the industry that it was aware some IWPs were only querying the Register at login and sign up. The ACMA noted that it expected IWPs to take appropriate arrangements "*to prevent self-excluded customers from placing a bet or being sent marketing material. This may include querying the register when a customer logs in / places a bet or before marketing material is sent*." Dabble received this compliance update via email from the ACMA. In Submission 2 Dabble outlined its processes to avoid sending marketing messages to registered individuals, including avoiding recklessness as to whether an electronic address belongs to a registered individual when sending messages.

> …The Betstop API is checked prior to sending all direct marketing communications. [….]
>
> Relevant staff, including CRM, marketing, technology team, and product managers, were trained and made aware of the substantial risk of breaching the IGA of offering services to registered individuals.
>
> Dabble's policy position is that it is never justifiable to take that risk: where there is any NSER match, no regulated message is to be sent, regardless of the customer's subscription preferences.

130. Dabble also submitted its process for making requests of the Register operator prior to sending marketing to its users. An excerpt from this process is below.

> Before we send 1:1 comms to users (anything outside of the app), we need to perform a BetStop [….] check. This is because those services don't let us know proactively when someone registers, we need to check users on a register via an API call to see if they are self-excluded.

131. If Dabble had submitted queries to the Register operator as per its established process prior to sending each of the 279 messages, it is likely that the Register operator would have been able to inform Dabble that the relevant 5 customers were registered individuals.

132. In Submission 5 Dabble submitted:

> At the relevant time:
>
> - Dabble had a working NSER API integration;
> - Frequent interaction-based checks were in place and operating;
> - Accounts were closed immediately upon receiving a Match (in [customer management platform]);
> - Marketing profiles were immediately set to unsubscribe upon receiving a Match (in [CRM system]).
>
> In those circumstances, Dabble was not aware of a substantial risk in the sense required by s 61LA(5), nor was any risk unjustifiable in light of its BetStop compliance framework.

133. The ACMA does not accept that having a compliance framework of API integration with the NSER or interaction-based checks removed the risk of an electronic address belonging to a registered individual. As noted at paragraph 130, Dabble was aware that it needed to query the register *prior* to sending marketing to confirm a consumer's registration status. This demonstrates that Dabble was aware of the risk that a consumer could become a registered individual at any time and any electronic addresses associated with the consumer could become the electronic address of a

[12] ACMA 22 September 2023 compliance bulletin

registered individual (at any time). Dabble was aware that it needed to query the register just before sending marketing to supress marketing to a consumer who may have become a registered individual in the time since Dabble had last queried the register for them.

134. Further, Dabble's failure to consider push notifications were regulated electronic messages at the relevant time does not remove the applicability of the test of recklessness, noting the ACMA's position is that push notifications have always met the definition of a regulated electronic message. This fact remains, notwithstanding Dabble's submission that it did not know they were regulated electronic messages, it ought to have known, particularly given the guidance ACMA had issued in 2023 (as outlined in paragraph 125) and it was accordingly reckless to the fact that such notifications were being sent to the addresses of registered individuals.

135. Based on these circumstances, the ACMA considers Dabble was aware of the substantial risk that the electronic addresses it sent the 279 messages to were addresses of registered individuals, having regard to:

> Dabble's awareness of the risks that electronic addresses may become the addresses of registered individuals at any time

> its understanding of the need to have an effective technological system and processes in place to comply with its marketing obligations by confirming if electronic addresses belonged to a registered individual.

136. Further, the ACMA considers that by Dabble not checking the register before sending the messages, it substantially increased the risk that Dabble could send messages to the addresses of registered individuals.

137. The ACMA is of the view that Dabble acted recklessly, for the purposes of subsection 61LA(4). The ACMA considers that it was unjustifiable for Dabble to take the substantial risk of sending regulated electronic messages without making requests to the Register operator under section 61NC before sending the messages (to confirm whether customers were registered individuals before marketing to them).

138. Therefore, the ACMA finds that Dabble sent 279 regulated electronic messages where it was reckless to that fact that the electronic addresses belonged to registered individuals in contravention of subsection 61LA(4). [….]

Finding 4 – Breach: Failure to close a licensed interactive wagering service account of a registered individual – no outstanding bets (subsection 61MB(5))

Regulatory obligation

139. Under subsection 61MB(5) an IWP must, as soon as practicable after an individual with no outstanding or pending bets becomes a registered individual:

a) close the individual's account;[13] and

b) pay the individual:

i) the credit balance of the individual's account (if any);[14] or

[13] See paragraphs 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.

[14] See paragraph 61MB(5)(c)(ii).

ii) 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).[15]

140. If the individual ceases to be a registered individual before their account is closed, the IWP must ensure that the account is not used in relation to the provision of licensed interactive wagering services.

141. What is regarded as 'as soon as practicable' may vary on a case-by-case basis depending on relevant circumstances.

142. Subsection 61MB(5) is a civil penalty provision. 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), including the civil penalty provisions in section 61MB.

143. Subsection 93(1) in Part 4 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.

144. Accordingly, an IWP that contravenes subsection 61MB(5) by failing to close a wagering account of a registered individual that has no outstanding bets (and paying any credit balance) as soon as practicable after the individual becomes a registered individual will commit a separate contravention of that provision for each day that they continue to fail to close the account after the 'as soon as practicable' period .

Accounts assessed by the ACMA

145. In Submission 1, Dabble submitted that it closes wagering accounts of customers as soon as practicable after they become registered individuals:

> Once a BetStop match is identified, the associated account is automatically closed in [customer account system] as soon as practicable. The closure process is system-enforced rather than discretionary. Any remaining credit balance is returned to the customer in accordance with the IGA requirements, and the account cannot be reopened or reactivated. This process is system-enforced and does not require staff discretion.

146. The ACMA investigated whether Dabble closed the accounts of Complainant 1 and 2 as soon as reasonably practicable after they became registered individuals. The ACMA also investigated whether Dabble closed the accounts of the first 100 customers it identified as registered individuals in May 2025, and 151 customers from Submission 3 (birthday campaign recipients), as soon as reasonably practicable after they became registered individuals.

147. To assess compliance with subsection 61MB(5), the ACMA considers the following:

- Did the individuals hold a licensed interactive wagering service account before becoming registered individuals?
- Did the individuals have any outstanding or pending bets attributable to the provision of a licensed interactive wagering service by the provider?

[15] See paragraph 61MB(5)(d)(ii).

- Did the IWP close the wagering accounts of the individuals as soon as practicable after the individuals became registered individuals?

These questions are considered in turn below.

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

148. Submissions 1-3 confirmed that 238 customers had wagering accounts with Dabble prior to becoming registered individuals:

a) Complainants 1 and 2

b) 87 of the sample of 100 customers. According to Submission 1, the remaining 13 of the 100 identified registered individuals were account opening attempts by the registered individuals who were prevented from opening accounts. Thus, these 13 individuals did not have accounts relevant to this assessment.[16]

c) 149 of the 151 customers identified as being impacted by the 'birthday campaign' (2 customers' accounts were closed prior to self-excluding)

Did individuals have any outstanding or pending bets attributable to the provision of a licensed interactive wagering service by the provider?

149. The ACMA considers that, of the individuals considered in this investigation, 229 did not have outstanding or pending bets at the time Dabble identified them as registered individuals. This is based on:

a) Submissions 1 and 2 confirmed that 229 of the 238 customers referred to in paragraph 148 did not have any outstanding or pending bets at the time Dabble identified them as registered individuals.

b) Dabble also submitted that none of the customers identified in Submission 3 (birthday campaign) had outstanding or pending bets at the time Dabble identified them as registered individuals.

150. Based on the available evidence, the ACMA is of the view that these 229 customers did not have outstanding or pending bets immediately before becoming a registered individual.

151. The remaining 9 (of the 238 customers) were confirmed by Dabble to have outstanding or pending bets at the time they became registered individuals. They are considered in Finding 5.

Did Dabble close the wagering accounts of the individuals as soon as practicable after the individuals became registered individuals?

Dabble's procedures for checking the NSER

152. In Submission 1, Dabble submitted that its system was set-up to check customers against the NSER [….].

153. However, this process appears to have had a gap regarding 'inactive' accounts, or accounts that have not been engaged with for some time. This meant there were

[16] That is, Dabble prevented the registered individuals from opening accounts with Dabble and they therefore did not have accounts that were relevant to assessment under this finding.

significant delays before Dabble identified some customers as registered individuals. For example, multiple individuals were not identified as registered individuals by Dabble until more than 200 days after they registered with the NSER.

154. The ACMA issued a compliance bulletin on 29 November 2023[17] that alerted the industry that it had seen evidence that some IWPs were not checking inactive customers against the NSER and that IWPs should review their systems and processes to address any gaps. This advice was reiterated in compliance bulletins ACMA issued on 19 March 2024[18] and 28 May 2025.[19]

155. In correspondence in August 2024 Dabble shared its procedures for checking the NSER. The ACMA noted that Dabble appeared to not have a procedure for checking inactive accounts against the NSER and reshared compliance updates which highlighted the need to check inactive accounts. [….] Submission 2 of Dabble suggests this gap in procedures persisted.

How soon after registering with the NSER did Dabble identify the customers as registered individuals?

156. The ACMA reviewed the 229 individuals to determine:

a) when the individuals became registered individuals; and

b) when the individuals were identified as registered individuals by Dabble as a result of a response from the Register operator in response to a request from Dabble under section 61NC.

157. From this analysis, the ACMA considers that Dabble identified:

a) 73 customers as registered individuals within 7 days of their registering with the NSER; and

b) 156 customers as registered individuals more than 7 days after registering with the NSER.

What is “as soon as practicable”?

158. Section 61NC of the IGA 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.

159. 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.

160. An individual—including any customer of Dabble—can self-exclude at any time. This means that Dabble would not have been able to rely with confidence on older

[17] ACMA compliance bulletin 29 November 2023
[18] ACMA compliance bulletin 19 March 2024
[19] ACMA compliance bulletin 28 May 2025

checks determining a customer's self-exclusion status to meet its obligation to close customer accounts in accordance with subsections 61MB(5) and 61MC(5).

161. The ACMA considers that it was reasonably practicable for Dabble to submit checks against the NSER at regular intervals to confirm whether its customers were registered individuals in order to comply with its obligations under section 61MB.

162. 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 – including the way in which Dabble had established its systems to check customers against the NSER and to close accounts when customers were identified as registered individuals – when assessing compliance with this requirement.

163. There may be a range of factors that contribute to how long after a customer becomes a registered individual that it is practicable for an IWP to identify them as a registered individual, close their wagering account and pay them any credit balance. These factors may include:

a) the process required for an IWP to check its entire customer base, including inactive customers and those that have not interacted with their wagering accounts for an extended period of time;

b) any actions needed to close the wagering account of the registered individual; and

c) any follow up actions required, such as the paying of a credit balance or lawful recovery of any debts.

164. 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.

165. As noted above, the triggers Dabble used to check customers against the NSER resulted in a delay in identifying some customers who were registered individuals. While the ACMA is of the view that a customer that is not actively logging into their licensed interactive wagering services account or being sent marketing material at that particular time may necessitate being checked against the NSER with less frequency than an active customer, 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.

166. For the purposes of this investigation, the ACMA considers that it would have been reasonably practicable for Dabble to have been checking the NSER for its inactive customers no less frequently than every 7 days so that it could comply with its obligations under subsections 61MB(5) and 61MC(5). A failure to do this would mean that Dabble would be relying on out-of-date information in the specific context of compliance with section 61MB.

167. In forming this view, the ACMA has considered how IWPs connect to the NSER and submit checks under section 61NC in respect of all their customers. Once the connection to the NSER is established (which Dabble had completed at the time

which is the subject of the investigation), checking customers against the NSER is not a labour intensive or complex undertaking for an IWP. On this basis, it was reasonably practicable for Dabble to conduct checks of the NSER for these customers on a regular basis to determine whether they were registered individuals so that it could close their account within 7 days of the registration.

Submission 5

168. Dabble submitted that:

> The preliminary finding proceeds on the basis that subsection 61MB(5) effectively requires providers to detect NSER registration within approximately seven days of an individual becoming registered, irrespective of customer interaction. That benchmark does not appear in the IGA or the Register Rules.
>
> The phrase ‘as soon as practicable’ requires an evaluative assessment of what is reasonably capable of being done in the circumstances, having regard to system design, and operational architecture. It does not mandate continuous or periodic polling of the entire inactive customer base at fixed intervals.
>
> […]
>
> Subsection 61MB(5) does not expressly require a provider to conduct periodic database-wide reconciliations in the absence of customer activity. Nor does it specify that detection must occur within a defined number of days of registration. In circumstances where a customer remains entirely inactive and no trigger event occurs, the question of when closure becomes reasonably practicable should be assessed by reference to the full circumstances and not by reference to a fixed 7-day period.

169. The ACMA notes Dabble’s submission that the IGA does not “prescribe a fixed timeframe for account closure following an individual becoming a registered individual”. The ACMA must, therefore, consider all of the relevant circumstances when determining what would reasonably be considered ‘as soon as practicable’. As discussed above, this may vary on a case-by-case basis. The ACMA will consider the practicalities and relevant circumstances – including the way in which Dabble had established its systems to check customers against the NSER and to close accounts when customers were identified as registered individuals. Dabble’s processes for closing accounts and querying the register are outlined at paragraphs 145 and 152, respectively.

170. In the circumstances of this investigation, the accounts under consideration were closed between 8 days and over 18 months after the individuals registered for self-exclusion.

171. The requirement of 61MB(5) clearly states that IWPs must close accounts as soon as practicable after an individual becomes a registered individual, not as soon as the IWP queries the register. It does not refer to querying the register around interactions, trigger events or carve out an exemption for ‘inactive’ accounts.

172. Dabble has submitted its processes mean it can close an account immediately upon identifying a customer as a registered individual. [….]

173. Consumers can register with the NSER at any time and registration is near immediate. Given the risk that someone with an existing Dabble account may have registered with the NSER but not logged in or placed a bet with Dabble, the ACMA considers that it would be appropriate to regularly check all Dabble accounts in a

reasonable timeframe. However, Dabble did not implement a process for checking accounts that were not actively engaging with its services.

174. As Dabble noted: "*The phrase 'as soon as practicable' requires an evaluative assessment of what is reasonably capable of being done in the circumstances, having regard to system design, and operational architecture."* The ACMA has assessed the practicalities of querying all customers against the register and how often it would be reasonable to do this. In considering this practicality, the ACMA is of the view that every 7 days is an adequate amount of time for an IWP such as Dabble to query accounts which are not actively accessing their services against the register.

175. Therefore, the ACMA is of the view that, based on a fair assessment of the facts, it was reasonably practicable for Dabble to close any open accounts of a registered individual within 7 days of them becoming a registered individual.

176. As outlined in paragraphs 154 and 155, the ACMA had published multiple compliance updates noting concerns about wagering providers failing to query the register for 'inactive' accounts. The ACMA had also flagged this concern directly with Dabble. Despite this, Dabble did not update its processes for querying the register.

177. Dabble also submitted that it had demonstrated reasonable precautions and exercised due diligence to avoid contravening 61MB(5) as per 61MB(7) through the following:

> Its NSER API Integration, which it used to query the Register at multiple points for accounts actively accessing its services
> Accounts being automatically closed and not reopened following a match against the NSER
> Its automated marketing suppression following a match
> Its documented policy for querying the register
> Its staff training and awareness of their obligations regarding the NSER; and
> The design of its technical controls for ensuring an account is closed 'as soon as practicable'

178. The ACMA does not accept that the above meets the test of reasonable precautions and due diligence from 61MB(5) of the IGA. As discussed at paragraph 153, Dabble's process for querying the register left a gap for accounts which were not actively accessing its services (i.e. logging in or placing bets). However, despite the ACMA advising industry and Dabble directly that it may wish to reconsider its processes because of this gap, Dabble continued to leave out inactive accounts from its queries of the register. Given this, the ACMA does not accept that Dabble's technical controls or policy for querying the register are adequate examples of reasonable precautions and due diligence.

179. Dabble's statement that its system automatically closes accounts that are matched against the NSER further demonstrates that it was practicable for Dabble to close accounts shortly after customers became registered individuals and certainly within 7 days of them registering for self-exclusion. This is because registration with the NSER has near immediate effect. Therefore, the ACMA does not consider the automatic closure of accounts that were matched against the register to be an

example of reasonable precautions and due diligence for the relevant accounts considered under this Finding, particularly in light of the fact that Dabble did not apply this process to those accounts. Dabble's system had the capacity to check the register for inactive accounts but it chose not to implement this function.

180. Dabble also submitted that its automated marketing suppression following a match against the register is an example of its reasonable precautions and due diligence. However, 61MB(5) relates only to closing accounts and returning credit balances as soon as practicable – it has no application to marketing. Therefore, the ACMA does not consider marketing suppression relevant to the question of reasonable precautions and due diligence for 61MB(5).

181. Dabble emphasised its staff training and awareness of obligations regarding the NSER as an example of its reasonable precautions and due diligence. However, this and the other measures listed above did not prevent Dabble from leaving accounts open for 8 days to over 18 months after the individuals registered for self-exclusion. Per Dabble's own submission (Submission 2), account closure upon a match against the NSER is system-enforced and automatic and does not require staff discretion (see paragraph 145). Therefore, it does not follow that staff training and awareness was enough to meet the test of reasonable precautions and due diligence for 61MB(5) – staff were not involved in account closure. The ACMA is of the view that Dabble did not design its system itself to adequately address section 61MB(5) of the IGA.

182. Dabble, being a licensed IWP, should have been aware of all its obligations under Part 7B of the IGA and designed its systems to ensure it was compliant with all the requirements. A method of querying the register for all accounts periodically to ensure it closed any open accounts as soon as reasonably practicable may have allowed Dabble to meet its obligations with 61MB(5). As it stands, the technical controls it had implemented at the time were insufficient.

183. The ACMA is of the view that Dabble could complete the necessary action - closing accounts as soon as practicable - without any legitimate practical barriers, within 7 days after each customer became a registered individual. It delayed doing so because it failed to query all accounts against the NSER periodically.

184. Therefore, the ACMA is of the view Dabble failed to close 156 accounts as soon as practicable. This failure occurred at the point in time that Dabble was in such a position but failed to perform any action to comply with 61MB(5) – more than 7 days after each customer became a registered individual. This continued until Dabble closed each of the accounts.

185. Subsection 61MB(5) is a civil penalty provision. 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), including the civil penalty provisions in section 61MB.

186. Subsection 93(1) in Part 4 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.

187. In Submission 5, Dabble acknowledged this:

> Subsection 61MB(5) creates an ongoing obligation to close an account as soon as practicable. If closure is not effected within a reasonable time, the obligation may continue until compliance occurs.

188. Dabble also submitted:

> The interpretation of 61MB(5) proposed by the Authority purports that the Authority can determine a particular period or particular even where the civil penalty provision does not. We say that the correct approach is that section 61MB(5) is an assessment of what is 'as soon as practicable' in the circumstances and that subsection 93(1) is enlivened only where the relevant statutory provision clearly creates a fixed temporal provision.

189. However, the ACMA is of the view that a requirement to do something "as soon as practicable" represents a "fixing of time", even if the relevant time to be fixed may vary. Consistent with the above, we consider the obligation to do the actions required by subsections 61MB(5) and 61MC(5) of the IGA "as soon as practicable" represent a requirement to comply "within a particular period" or "before a particular time" for the purposes of subsections 93(1)-(2) of the RPA.

190. As discussed above (paragraph 169 onwards), after conducting an evaluative assessment of the facts, the ACMA considers that it was practicable for Dabble to close accounts within 7 days of customers becoming registered individuals.

Summary of findings

191. As noted above, Dabble closed the accounts of 156 customers more than 7 days after registering with the NSER. The ACMA has excluded the 73 customers Dabble closed the accounts of within 7 days of their registering with the NSER from the findings.

192. Therefore, ACMA is of the view that Dabble did not close 156 wagering accounts, that did not have any pending or outstanding bets, as soon as practicable after those individuals became registered individuals.

193. Noting Dabble's ongoing obligation to close those accounts, pursuant to subsection 93(1) of the RPA, and that subsection 93(2) of the RPA provides that a separate contravention is committed each day, the ACMA finds that this conduct constituted 19,750 breaches of subsection 61MB(5) in relation to these 156 licensed interactive wagering services accounts, representing the total number of days that the relevant accounts remained open beyond the 7 day period from the relevant customer becoming a registered individual.

194. [….]

<u>Finding 5 – Breach: Failure to close a licensed interactive wagering service account of a registered individual – outstanding bets (subsection 61MC(5))</u>

195. The requirements under section 61MC(5) are materially the same as under section 61MB(5) except they apply where a customer has outstanding or pending bets at the time they become a registered individual. Under this provision, an IWP must close the wagering account and pay any credit balance as soon as practicable after any outstanding or pending bets are resolved.

<u>Did individuals hold a licensed interactive wagering service account before becoming registered individuals?</u>

196. Finding 4 established that 238 customers had wagering accounts with Dabble prior to being identified as registered individuals (see paragraph 148).

Did individuals have any outstanding or pending bets attributable to the provision of a licensed interactive wagering service by the provider from before becoming a registered individual?

197. Finding 4 established that 9 customers had outstanding or pending bets before they became registered individuals (see paragraph 151).

Did Dabble, at the time, or the latest time, when those bets were resolved, close the account and pay any credit balance?

198. Dabble submitted that it closed the accounts of 8 of the 9 customers within a few days of identifying the customers as registered individuals. By comparing this information against the NSER records, the ACMA's view is that Dabble identified and closed the accounts of 8 of the 9 customers within a week of the customers becoming registered individuals. Bets for these customers were resolved between the same day their account was closed up to 3 months after account closure due to the bets being pending. Dabble submitted that all 8 customers had their credit balance returned. The remaining customer is discussed below.

Did Dabble close the wagering accounts of the individuals as soon as practicable after the individuals became registered individuals?

199. According to NSER records and Dabble's submissions, the Dabble customer [….]:

> first opened a wagering services account with Dabble in October 2021.

> first self-excluded on 28 April 2024 for 3 months, ending 28 July 2024. During this period the customer's Dabble account remained open.

> returned to Dabble as a customer after the 3-month self-exclusion period ended.

> registered for a second self-exclusion period on 7 May 2025 [….]. Dabble identified the customer as a registered individual and closed the account 4 minutes later.

> Dabble first identified the customer as a registered individual on 7 May 2025, the date that it closed the account.

> This was 374 days after the customer first became a registered individual.

> The customer had a pending bet at the time of account closure. Dabble submitted that the bet was placed on 7 May 2025 [….] and the bet was resolved on 14 July 2025.

200. The ACMA is of the view that Dabble's obligation to close the customer's account began as soon as the customer became a registered individual for the first time. This obligation did not cease once the customer completed their first self-exclusion period. This investigation found that Dabble kept the customer's account open for 374 days after the customer first self-excluded.

201. As with Finding 4, the ACMA has considered that in the circumstances, it was reasonably practicable for Dabble to check the NSER for its inactive customers no less frequently than every 7 days so that it could comply with its obligations. A failure to do this would mean that Dabble would be relying on out-of-date information in the specific context of compliance with section 61MC.

202. Accordingly, the ACMA has not included the first 7 of the 374 days. This leaves 367 days for consideration.

203. In Submission 5, Dabble submitted that:

> Dabble does not accept that subsection 61MC(5) imposes a continuing closure obligation beyond the period during which an individual is a registered individual.
>
> [...]
>
> The calculation of 367 contraventions depends on treating the obligation as having arisen on 28 April 2024 and persisted irrespective of the expiry of the initial exclusion period and subsequent "No Match" API responses.
>
> That construction is not supported by the statutory text or by the operational design of the NSER framework, which is predicated on real-time API confirmation of registered status.
>
> Dabble submits that subsection 61MC(5)(e) was engaged on 7 May 2025 on the 1614th BetStop query for this individual upon receipt of the first and only BetStop match, at which time this individual's account was closed promptly and as soon as reasonably practicable.
>
> Accordingly, Dabble does not agree that 367 contraventions occurred.

204. Dabble's submission confirms that it closed the account when the complainant registered for a second self-exclusion period on 7 May 2025.

205. Subsection 61MC of IGA requires licensed interactive wagering accounts to be closed as soon as reasonably practicable after a person becomes a registered individual and any pending bets are resolved. The IGA does not stipulate that this obligation ceases if the individual ceases to be a registered individual.

206. A key policy principle of the NSER is that it requires customers to actively re-apply to open a new wagering account to access wagering services after ceasing to be a registered individual. By failing to close the wagering account as soon as reasonably practicable during the consumer's first self-exclusion period, and allowing the consumer to access an existing account, Dabble undermined this key policy principle.

207. Dabble also submitted that it took reasonable precautions and exercised due diligence to avoid contravening section 61MC per subsection 61MC(7) of the IGA due to:

- Its NSER API Integration, which it used to query the Register at multiple points for accounts actively accessing its services
- Accounts being automatically closed and not reopened following a match against the NSER
- Its automated marketing suppression following a match
- Its documented policy for querying the register
- Its staff training and awareness of their obligations regarding the NSER; and
- The design of its technical controls for ensuring an account is closed 'as soon as practicable'

208. ACMA does not accept that the above meets the test of reasonable precautions and due diligence in subsection 61MC(7) of the IGA, as with Finding 4 for subsection 61MB(5). The measures listed above did not prevent Dabble from leaving an account open for 374 days after the consumer first registered for self-exclusion. The ACMA's reasoning for this is outlined at paragraphs 178 to 187.

209. Dabble, being a licensed IWP, should have been aware of all its obligations under Part 7B of the IGA and designed its systems to ensure it was compliant with all the requirements. A method of querying the register for all accounts periodically to ensure it closed any open accounts, minus any outstanding or pending bets, as soon as reasonably practicable may have allowed Dabble to meet its obligations with subsection 61MC(5). As it stands, the technical controls it had implemented at the time were insufficient.

210. Therefore, the ACMA finds that Dabble contravened subsection 61MC(5) in respect of 1 wagering account that had pending bets, by not closing the account as soon as practicable after the individual became a registered individual for 367 days. This constitutes 367 breaches by operation of the IGA and RPA, for the reasons explained at paragraph 142 to 144. [….]

Did Dabble ensure that a previously self-excluded individual could not access licensed interactive wagering services from a pre-existing wagering account?

211. According to the IGA, IWPs must ensure that individuals who cease to be registered individuals before the closure of their licensed interactive wagering service accounts cannot use said accounts in relation to the provision, or prospective provision, of one or more licensed interactive wagering services after they cease to be a registered individual.

212. Specifically, paragraph 61MC(5)(f) of the IGA, provides:

> 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

213. The Dabble customer [….] had a Dabble account which remained open after they first became a registered individual on 28 April 2024 (their first self-exclusion period).

214. Dabble submitted that it provided the customer with wagering services on 7 May 2025 [….], through the same account after the customer ceased being a registered individual, despite the obligation to close the account.

215. Dabble's submissions show the customer had the same account from when the account was opened to the date the last bet was placed and the account was closed. This demonstrates that Dabble did not require the customer to actively re-apply to open a new wagering account to be provided wagering services after ceasing to be a registered individual, undermining a key policy principle of the NSER.

Submission 5

216. Dabble submitted that:

> …ACMA characterise the contravention of section 61MC(5)(f) as arising when a person who was formerly a registered person uses their account. That interpretation leaves the words 'must ensure that' with no work to do. The offence is not drafted to arise because the account was used. The offence was drafted such that it arises if Dabble did not ensure that the account was not used. As outlined above, Dabble went to considerable lengths to ensure that the account was not used.
>
> […]

> We accept that the words 'must ensure that' require a higher standard of responsibility than reasonable steps, but we say that the standard is not so high that that the offence upon the use of the account.
>
> Dabble did in fact ensure that the account was not used after the individual ceased to be a registered person. It is common ground that Dabble did in fact ensure that the account was not used after the individual ceased to be a registered individual. The Authority's interpretation purports to include the word 'immediately' into section 61MC(5)(f).

217. The ACMA understands that Dabble is suggesting that the requirement to 'ensure' the account was not used should be read as 'take steps to ensure'. There is no basis to import those additional words into paragraph 61MC(5)(f). The ordinary meaning of 'ensure' is to make sure or guarantee, which Dabble did not do in this case, as per their own submissions.

218. Therefore, the ACMA does not accept that Dabble *ensured* that the account was not used for the provision, or prospective provision, of one or more wagering services to the individual after the consumer ceased being a registered individual. This is because Dabble did not query the register for the consumer at all during their first self-exclusion period and therefore did not close their account as soon as reasonably practicable as discussed above. Dabble submitted:

> Dabble did not have visibility of the customer's April 2024 registration during the period of inactivity and did not receive any API indication of registered status at the time the customer re-engaged in September 2024.

219. It is the IWP's responsibility to ensure compliance with Part 7B of the IGA. Querying the register helps wagering providers meet their obligations; it is their responsibility to query the register regularly enough to ensure ongoing compliance. This includes regular checks of dormant or inactive accounts. If Dabble had done so, it would have known that the account belonged to a registered individual within the period the ACMA considers reasonably practicable to close inactive accounts (7 days).

220. Dabble further submitted:

> There is no evidence that wagering services were provided to the customer while they were a registered individual and prior to account closure. The fact that the same account identifier was retained does not of itself establish a contravention of subsection 61MC(5)(f).

221. However, the finding is not an allegation that the consumer was provided wagering services while self-excluded. The ACMA is basing its findings on Dabble's own Submissions 1-3, where it submitted the account was opened in October 2021, remained open in 2024, then provided wagering services on 7 May 2025 [….] (before being closed later that date).

222. Given the statutory notice requested unique customer identifiers for each customer, the ACMA does not accept that Dabble provided wagering services only through 'the same account identifier' rather than the same account.

223. The ACMA is of the view that if Dabble had designed its system to ensure compliance with the primary components of sections 61MB and 61MC (closing accounts as soon as reasonably practicable after a consumer becomes a registered individual), it could have taken action to close the account when the complainant first became a registered individual in April 2024, as is required, which would have meant

Dabble did not provide the individual wagering services through a pre-existing account when the individual's first self-exclusion period expired.

224. Dabble also submitted that it took reasonable precautions and exercised due diligence to avoid contravening paragraph 61MC(5)(f) per subsection 61MC(7) of the IGA due to the reasons at paragraph 207.

225. ACMA does not accept that Dabble's reasoning meets the test of reasonable precautions and due diligence in subsection 61MC(7) of the IGA. The measures listed did not prevent Dabble from providing wagering services through an account that remained open after the consumer's first self-exclusion ceased. The ACMA's reasoning for this is outlined at paragraphs 178 to 187.

226. Dabble, being a licensed IWP, should have been aware of all its obligations under Part 7B of the IGA and designed its systems to ensure it was compliant with all the requirements. A method of querying the register for all accounts periodically to ensure it closed any open accounts, minus any outstanding or pending bets, as soon as reasonably practicable may have allowed Dabble to meet all its obligations with 61MC(5). This includes avoiding provision of wagering services through an account that should have been closed during the individual's first self-exclusion period. As it stands, the technical controls it had implemented at the time were insufficient.

227. Accordingly, the ACMA finds that Dabble contravened its obligation in relation to 1 wagering account under paragraph 61MC(5)(f) to ensure that, if an individual ceases to be a registered individual before the closure of their accounts, that the accounts are not used in relation to the provision, or prospective provision, of one or more wagering services to the individual after the cessation. The ACMA is of the view that this conduct constituted 1 contravention of subsection 61MC(5).

228. [….]

<u>Finding 6 – Breach: Licensed interactive wagering service providers must promote the NSER (subsection 61JP(5))</u>

<u>Regulatory obligation</u>

229. Under section 61JP, an IWP is required to promote the NSER in accordance with rules specified by the ACMA.

230. On 4 July 2022, the ACMA made the Register Rules.

231. Subsection 25(3) of the Register Rules requires that an IWP promote the NSER in regulated electronic messages by including:

a) 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.

<u>Did Dabble engage in conduct that contravenes the Register rules?</u>

232. Submissions 1 to 3 detail that Dabble sent 2,853 electronic messages during the period from 19 December 2024 to 22 June 2025. The ACMA has reviewed each of these messages to determine whether Dabble complied with section 61JP.

<u>Part 1 – were the messages regulated electronic messages?</u>

233. Finding 2 established that the ACMA considers that 2,754 of the 2,853 messages Dabble sent were regulated electronic messages as the purpose, or one of the

purposes, of the message was to offer to provide licensed interactive wagering services or otherwise advertise or promote licensed interactive wagering services provided by Dabble.

234. The breakdown of these messages is:

> 278 SMS messages
> 402 email messages
> 2074 push notifications[20]

<u>Part 2 – did the messages include a reference to the NSER as required by section 25 of the Register rules?</u>

235. **SMS messages:** All 278 SMS messages sent by Dabble contained the required references to the NSER, as set out in the Register Rules, through the inclusion of the following text:

BetStop - the National Self-Exclusion Register - betstop.gov.au.

236. **Email messages:** All 402 emails sent by Dabble that met the definition of a regulated electronic message included the required references to the NSER as set out in the Register Rules.

237. **Push notifications:** 2032 of 2074 push notifications did not include information about NSER as required by the Register rules. Consequently, the ACMA considers that these 2032 push notifications were sent in contravention of section 61JP.

Submission 5

238. Dabble submitted the following:

Dabble acknowledges that 2,032 push notifications sent during the relevant period did not include the mandatory BetStop wording required by subsection 61JP(5) and Rule 25(3). Dabble has since incorporated the BetStop wording into all push notifications.

Of the 2,032 push notifications:

> 1,596 were system-generated (transactional) alerts including bet alerts, bet outcome notifications and deposit confirmations; and

> 436 were promotional pushes, including copy bet specials, banter channel updates and weekly specials.

Section 61JP(5) is a civil penalty provision with respect to a contravention of the Register Rules.

However, section 61JP(6) provides that a contravention arises in respect of each day during which the relevant Register Rules, made for the purposes of section 61JP(1) or (2), are contravened. Despite this, the Authority states at page 1 of the PIR that Dabble contravened section 61JP(5) a total of 2,032 times. On its own, section 61JP(5) can be contravened once. At its outer bounds, Dabble submits that section 61JP(6) limits the number of contraventions as each day on which the Register rules were contravened.

Accordingly, the maximum number of contraventions is the number of days on which non-compliant push notifications were sent during the relevant period, not the total number of individual notifications issued.

239. As discussed in Finding 2 and 3, the ACMA assessed all the relevant electronic messages and determined that 2,754 messages met the definition of a regulated electronic message as per the IGA.

[20] As established in Finding 2, 2 of the 2076 push notifications were considered to be administrative in nature.

240. Subsection 61GF(1) provides the definition of a regulated electronic message (see paragraph 21). The definition of a regulated electronic message recognises that a message may have more than one purpose.

241. Dabble submitted that 1,596 of messages were categorised as '*system-generated (transactional) alerts including bet alerts, bet outcome notifications and deposit confirmations'*. However, the ACMA has found that the messages offer, advertise or promote the use of Dabble's wagering services. The notifications encourage users to engage with wagering activity through Dabble's app, notwithstanding how Dabble characterises the messages internally. Because of this purpose, the ACMA found that the messages are regulated electronic messages.

242. Further, the ACMA is of the view that subsection 61JP(6) only applies to requirements under the Register rules which have a temporal element. The requirements in subsection 25(3) of the Register rules do not have a temporal element - they simply apply to each of the messages sent.

243. Therefore, the ACMA finds that Dabble sent 2032 regulated electronic messages that failed to include relevant information about the NSER as specified in subsection 25(3) of the Register Rules, in contravention of subsection 61JP(5).

244. [….]

Conclusions

245. The ACMA has found that Dabble:

> Has not contravened subsection 61KA(3) in relation to the provision of licensed interactive wagering services to registered individuals.

> Has contravened subsection 61LA(2) by sending 560 regulated electronic messages to electronic addresses where Dabble knew that they belonged to a registered individual.

> Has contravened subsection 61LA(4) by sending 279 regulated electronic messages to electronic addresses where Dabble was reckless to the fact that they belonged to a registered individual.

> Has contravened subsection 61MB(5) in relation to 19,750 separate contraventions of failing to close 156 licensed interactive wagering services accounts, that did not have pending or outstanding bets, as soon as practicable after the customers became registered individuals.

> Has contravened subsection 61MC(5)(e) in relation to 367 separate contraventions of failing to close 1 licensed interactive wagering service account of a registered individual that had pending bets as soon as practicable after the bets had been resolved

> Has contravened 61MC(5)(f) in relation to 1 licensed interactive wagering services account that it did not ensure was not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to

an individual after they ceased to be a registered individual.

> Has contravened subsection 61JP(5) in relation to 2,032 regulated electronic messages sent where Dabble failed to promote the NSER in accordance with subsection 25(3) of the Register Rules.

Attachments

Attachment A – Extract of relevant provisions

Attachment B – Push notification assessment

Attachment C – Example regulated electronic messages

[….]

Attachment A

Key provisions of the IGA

***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).

Interactive Gambling Act 2001 Section 61KA Prohibition of the provision of licensed interactive wagering services to registered individuals

Offence

(1) A person commits an offence if:

(a) the person is a licensed interactive wagering service provider; and

(b) the person provides a licensed interactive wagering service to an individual; and

(c) the individual is a registered individual.

Penalty: 500 penalty units.

(2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.

Civil penalty provision

(3) A licensed interactive wagering service provider must not provide a licensed interactive wagering service to a registered individual.

Civil penalty: 750 penalty units.

(4) A person who contravenes subsection (3) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).

Exception

(5) Subsections (1) and (3) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code)*.

Note 3: In proceedings for a civil penalty order for a contravention of subsection (3), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

Offence—extended geographical jurisdiction

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

Interactive Gambling Act 2001 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).

Interactive Gambling Act 2001 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 Act 2001 Section 61MC Closure of a licensed interactive wagering service account held by a registered individual—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 had one or more outstanding or pending bets that are attributable to the provision of one or more licensed interactive wagering services by the provider; and

(c) those bets are subsequently resolved (whether at the same time or at different times);

then:

(d) if, at the time, or the latest time, when those bets were resolved, 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 time, or the latest time, when those bets were resolved:

(i) close the account; and

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

(e) if, at the time, or the latest time, when those bets were resolved, 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 time, or the latest time, when those bets were resolved:

(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

(f) 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

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

(2) Paragraph (1)(f) 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 had one or more outstanding or pending bets that are attributable to the provision of one or more licensed interactive wagering services by the provider; and

(c) those bets are subsequently resolved (whether at the same time or at different times);

then:

(d) if, at the time, or the latest time, when those bets were resolved, 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 time, or the latest time, when those bets were resolved:

(i) close the account; and

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

(e) if, at the time, or the latest time, when those bets were resolved, 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 time, or the latest time, when those bets were resolved:

(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

(f) 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

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

Civil penalty: 180 penalty units.

(6) Paragraph (5)(f) 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).

Key Provisions of the 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.

Key provisions of the Telecommunications Act 1997

Telecommunications Act 1997 Section 7 Definitions

internet carriage service means a carriage service that enables end-users to access the internet.

Telecommunications Act 1997 Section 16 Listed carriage services

(1) For the purposes of this Act, the following carriage services are ***listed carriage services***:

(a) a carriage service between a point in Australia and one or more other points in Australia;

(b) a carriage service between a point and one or more other points, where the first-mentioned point is in Australia and at least one of the other points is outside Australia;

(c) a carriage service between a point and one or more other points, where the first-mentioned point is outside Australia and at least one of the other points is in Australia.

(2) For the purposes of this section, a ***point*** includes a mobile or potentially mobile point, whether on land, underground, in the atmosphere, in outer space, underwater, at sea or anywhere else.

(3) For the purposes of this section, a point that is:

(a) in the atmosphere; and

(b) in or below the stratosphere; and

(c) above Australia;

is taken to be a point in Australia.

(4) For the purposes of this section, a point that is:

(a) on a satellite; and

(b) above the stratosphere;

is taken to be a point outside Australia.

Attachment B

Assessment of Push notifications

1. Section 61GE defines an electronic message as 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.

   [The legislation also includes a 'Note' that 'Email addresses and telephone numbers are examples of electronic addresses'].

2. Dabble's mobile app is available for download on both Apple and Android (Google) devices.[21] Dabble describes its app as 'a sports betting app combined with a social media app.'[22]
3. This investigation has considered how push notifications are sent to Apple and Android devices. Push notification services for apps operate within the proprietary app distribution systems established:
   a) by Apple (for apps downloaded from the App Store for iOS devices) using Apple push notification services (APNs); or
   b) Google (for apps downloaded from the Play Store for Android devices) using its Firebase Cloud Messaging services (FCMs).
4. Apple and Google have specific requirements for the management and sending of push notifications to which all application developers must adhere.
5. Apple states that, when users allow a currently installed application to receive notifications, a unique token is generated and registered to that developer and device.[23] Apple's developer guidance notes that its APNs:

   Must know the address of a user's device before it can send notifications to that device. This address takes the form of a device token unique to both the device and your app.[24]

6. This device token is referred to as a push token in this report. Apple states that this unique push token is 'the address of your app on the current device' and that the app server must have this token to send any notifications to a device.[25]
7. Underscoring the unique address that a push token represents, Apple's guidance states that:

   You can't use the same device token for more than one app, even when the apps are on the same device. Every app must request their own unique device token and forward it to your provider server.[26]

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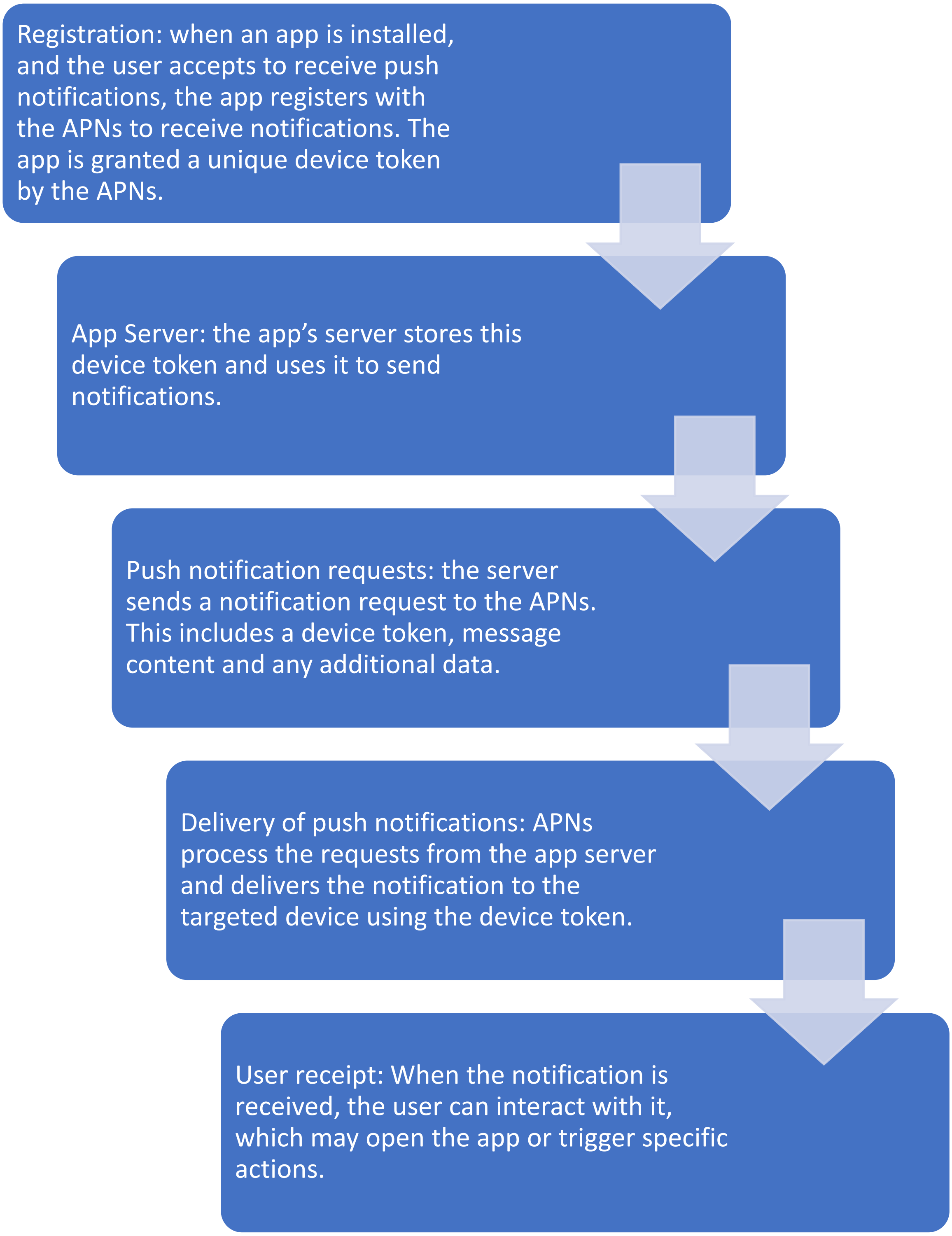
[21] https://www.dabble.com.au/ accessed on 24 November 2025.
[22] https://www.dabble.com.au/about/ accessed on 24 November 2025
[23] Privacy - Device Requests - Apple accessed on 14 November 2025
[24] Registering your app with APNs | Apple Developer Documentation accessed 24 November 2025
[25] Registering your app with APNs | Apple Developer Documentation accessed 24 November 2025
[26] Registering your app with APNs | Apple Developer Documentation accessed 24 November 2025

8. A flowchart outlining the push notification process is below:



9. Google's Android push notification service works in a similar manner to Apple's push notification service. Google's developer guidance states that the FCM generates a

'registration token' for the client app instance before push notifications can be sent.[27] This registration token will be described as a push token for the purposes of this report. Like Apple, Google states that this push token must be stored by the app developer and used in notification requests to the FCMs to be able to send push notifications.

10. Apple provides app developers advice on how to use this device token, including that the token should be forwarded to the developer's server along with any other information the app developer needs to identify the specific user to the app developer's service.[28] Apple provides the example of a user's login name or something that connects them to the service.
11. Submissions 1-3 provided evidence that Dabble captures its push notification activity against the Dabble customer ID of customers such that it is able to communicate with those individuals and keep records of messages sent to each individual.
12. The ACMA understands that as a device token relates to a specific instance of a particular app on a specific device, an app developer may have multiple device tokens for a user, representing a unique token for each instance of the app of a customer.[29] For example, Dabble would have 2 push tokens for a user with the Dabble app on both a mobile phone and a tablet. In choosing to send a push notification to that customer, Dabble could choose to send 2 notifications using the 2 unique push tokens it has stored for that customer.

Were the push notifications sent using an internet carriage service or any other listed carriage services?

13. Section 4 defines an 'internet carriage service' as a 'listed carriage service that enables end-users to access the internet'. These terms are defined under the *Telecommunications Act 1997* (see extract of relevant provisions in **Attachment A**).
14. Based on information available in technical guidance on the workings of push notifications, the ACMA considers that Dabble's app server communicates with the push notification services for either Google's FCMs or Apple's APNs to send push notifications to users of the Dabble app using an internet carriage service.
15. The ACMA understands that such messages are sent from Dabble's systems to Google's FCMs or Apple's APNs using an internet carriage service. An internet carriage service is also used by Google's FCMs or Apple's APNs (depending on the device type of a user) to 'push' the notification to the user's device.
16. As such, it is the ACMA's view that the 2076 push notifications were sent by Dabble's system and FCMs or APNs using an internet carriage service.

Were the push notifications sent to an electronic address?

17. The Notice to Dabble required it to provide the ACMA with details of the electronic address to which it sent each push notification. Dabble did not provide the electronic address to which each message was sent, rather it provided a customer number.
18. To establish whether the messages were sent to an electronic address, the ACMA considered *how* push notifications function for Apple and Google devices. As noted in paragraphs 4 to 9 of this attachment, Apple and Google have specific requirements for the management and sending of push notifications.

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[27] Best practices for FCM registration token management | Firebase Cloud Messaging (google.com) accessed on 24 November 2025
[28] Registering your app with APNs | Apple Developer Documentation accessed 24 November 2025
[29] Registering your app with APNs | Apple Developer Documentation accessed 24 November 2025

19. The app developer, in this case Dabble, must comply with these requirements in incorporating push notifications into its app and to register its app for push notifications using FCMs and APNs.

20. When an app is published, users can download the app through the Apple App Store or Google Play store. Research and testing by the ACMA has determined that a user must have an Apple account to use the Apple App Store, or a Google account to use the Google Play Store.

21. Upon launching the app, a user is asked whether they consent to receive push notifications. This preference can generally be changed by the user at any time. If a user consents to receive push notifications, a push token is generated by, and registered with, FCMs and APNs (depending on which operating system the device uses) in conjunction with the app, consistent with the evidence presented in paragraph 5 for Apple devices and paragraph 9 for Google devices.

22. The device token is not publicly available and not visible to, or used by, the end user. This is unlike other electronic addresses such as an email address or telephone number (listed as examples of electronic addresses in the Note to subsection 61GE(1)).

23. As an example, device tokens for Apple are unique 64-character hexadecimal strings. Instead of a format such as <name@domain> or <tel:##########>, it is a format of <unique-ID-64-chars> to target a specific user's device. For example, Apple's developer guidance provides the following example of a push token:

    00fc13adff785122b4ad28809a3420982341241421348097878e577c991de8f0.[30]

24. The technical documentation from both Apple and Google cited in this report provide compelling evidence that these push notification tokens are an essential part of the message systems used by Apple and Google for sending push notifications.

25. Further, Apple's technical guidance provides developers information on how to generate a push notification request.[31] This guidance labels the header titled 'path' as a 'required' header for this message and references that the 'path' is the device token used to identify the user's device. An example of a push notification request from Apple is as follows:[32]

[30] Sending notification requests to APNs | Apple Developer Documentation accessed on 24 November 2025
[31] Sending notification requests to APNs | Apple Developer Documentation accessed on 24 November 2025
[32] Sending notification requests to APNs | Apple Developer Documentation accessed on 24 November 2025
Highlight added to present when the push token is required in the request

```
HEADERS
  - END_STREAM
  + END_HEADERS
  :method = POST
  :scheme = https
  :path = /3/device/00fc13adff785122b4ad28809a3420982341241421348097878e577c991de8f0
  host = api.sandbox.push.apple.com
  authorization = bearer eyAia2lkIjogIjhZTDNHM1JSWDciIH0.eyAiaXNzIjogIkM4Nk5WOUpYM0QiLCAiaWF0I
         jogIjE0NTkxNDM1ODA2NTAiIH0.MEYCIQDzqyahmH1rz1s-LFNkylXEa2lZ_aOCX4daxxTZkVEGzwIhALvkClnx5m5eAT
         Lxw7LZtEQcH6JENhJTMArwLf3sXwi
  apns-id = eabeae54-14a8-11e5-b60b-1697f925ec7b
  apns-push-type = alert
  apns-expiration = 0
  apns-priority = 10
  apns-topic = com.example.MyApp
DATA
  + END_STREAM
  { "aps" : { "alert" : "Hello" } }
```

26. Evidence from Submissions 1-3 support a position that Dabble is able to target and send push notifications to different users of its app and stores records for each unique message sent to each user – for example, a message to a user informing them that promotion credit has been applied to their account or someone has sent them a message. Further, Dabble's submissions provide evidence that records of push notifications it has sent are stored against a customer number.

27. Accordingly, the ACMA is of the view that these push tokens constitute an electronic address for the purposes of section 61GE and these allow push notifications to be sent to a particular user of a device.

28. The ACMA is of the view that the push token is both:

    a) electronic, in that it is a string of digital characters maintained in an electronic database for the purpose of sending digital notifications to an electronic device.

    b) an address, in that enables the app developer to identify the location of an electronic device with its app installed for the purpose of sending a notification. As cited in paragraph 6, Apple describes this token as an 'address' and that this address identifies the user device to receive the notification.[33]

29. The ACMA is of the view that the push token is a kind of electronic address that enables an app developer such as Dabble to send a specific message to a specific user of an app on a device in a manner similar to how a telephone number is used to send an SMS message or an email address is used to send an email.[34]

30. Based on this information, the ACMA is of the view that it is open to infer that Dabble must have held the electronic addresses (in the form of push tokens) of each relevant customer and that it must have sent 2076 push notifications to these electronic addresses.

[33] Sending notification requests to APNs | Apple Developer Documentation accessed on 24 November 2025

[34] The Note to subsection 61GE(1) provides that 'Email addresses and telephone numbers are examples of electronic addresses' but does not list these as exhaustive examples of electronic addresses

31. Accordingly, the ACMA has formed the view that Dabble sent or caused the 2076 push notifications to be sent to electronic addresses in the form of the push tokens.

Are the push tokens an address in connection with an email, telephone or similar account?

32. Paragraph 61GE(1)(b) goes on to state that the electronic address is to be in connection with:

    i. an email account; or

    ii. an instant messaging account; or

    iii. a telephone account; or

    iv. a similar account.

33. It is not clear that a push token is in connection with an email, instant message or telephone account. As such, the ACMA has considered whether these tokens are in connection with a 'similar account'.

34. The Dabble app can only be downloaded onto a device via the Apple App Store or the Google Play Store.[35] A user must have an Apple Account or a Google account to use the relevant stores and download apps. This has been confirmed through testing by the ACMA. Accordingly, the ACMA understands that a user must have a Google or Apple account to download the Dabble app and consent to receive push notifications, even if the full details about that account are not disclosed by Apple or Google to Dabble.

35. Apple describes its Apple Account (previously called an Apple ID) as an account you use across Apple's ecosystem including the App Store and iMessage.[36] This Apple Account is also associated with an Apple device. Testing by the ACMA shows that the Apple ID of the user is shown under 'settings' on an Apple device, establishing a connection between that user's account and the device that is used to receive push notifications. Similarly, a Google account provides access to services across Google's ecosystem, including email (Gmail) and Google Play, including being associated with a user's device or devices.[37] Testing by the ACMA shows that the Google account of the user is shown under 'settings' on an Android device, establishing a connection between that user's account and the device that is used to receive push notifications.

36. The ACMA understands that every instance of a Dabble app on a device has been downloaded in connection with an Apple or Google account (as relevant). Once downloaded, the Dabble app resides on the device in relation to the Apple or Google account that was used to download the app.

37. Testing by the ACMA has also shown that an app is visible when viewing downloaded apps through the relevant Apple or Google store applications. For example, the 'Manage apps & device' section of the Google Play Store will display that the Dabble app is associated with a Google account if it has been downloaded previously. This provides a connection between the Dabble app that is used to send the push notification and the Google or Apple account, as relevant, of a user.

38. As described in paragraphs 5 and 9, upon consenting for push notifications, the Apple APNs and FCMs generate a push token with the user's device (which is

[35] https://www.dabble.com.au/ accessed on 24 November 2025.
[36] Legal - Apple Media Services - Apple and Manage and use your Apple Account – Apple Support (AU) accessed 24 November 2025
[37] Create a Gmail account - Gmail Help (google.com) accessed on 24 November 2025

associated with an Apple or Google account as described in paragraph 35). This push token must be sent to the app developer's server to allow them to communicate directly to that user, as described in paragraphs 6 and 9. The FCMs and APNs can only generate a token because the app is installed and associated with an Apple or Google account used on a specific device. Otherwise, the ACMA is of the understanding that there is no way for FCMs or APNs to identify the location of the app on a specific device in order to be able to send a message.

39. On the basis of the matters described in this report, the ACMA considers that these Apple and Google accounts are similar to an email, instant messaging or telephone account as, amongst other features, they allow an account holder to be targeted and communicated to. The fact that the Apple and Google accounts provide access to a variety of services within the Apple and Google ecosystems do not make them dissimilar to a phone number or email address. In forming this view, the ACMA notes that a person's email address may be used by them as an account identifier for other services in addition to being an address for the purpose of sending and receiving electronic messages.

40. While the app developer may not be aware of the relevant Google or Apple account of the user, the ACMA considers that a push token is nonetheless associated with the relevant account as it allows communications to be sent directly to that individual through their device. Apple's Law Enforcement Support Program provides a framework for law enforcement agencies to seek customer information from Apple.[38] This program and Apple's reporting reveals that it can release identifying information to law enforcement agencies through a 'push token' request and states that:

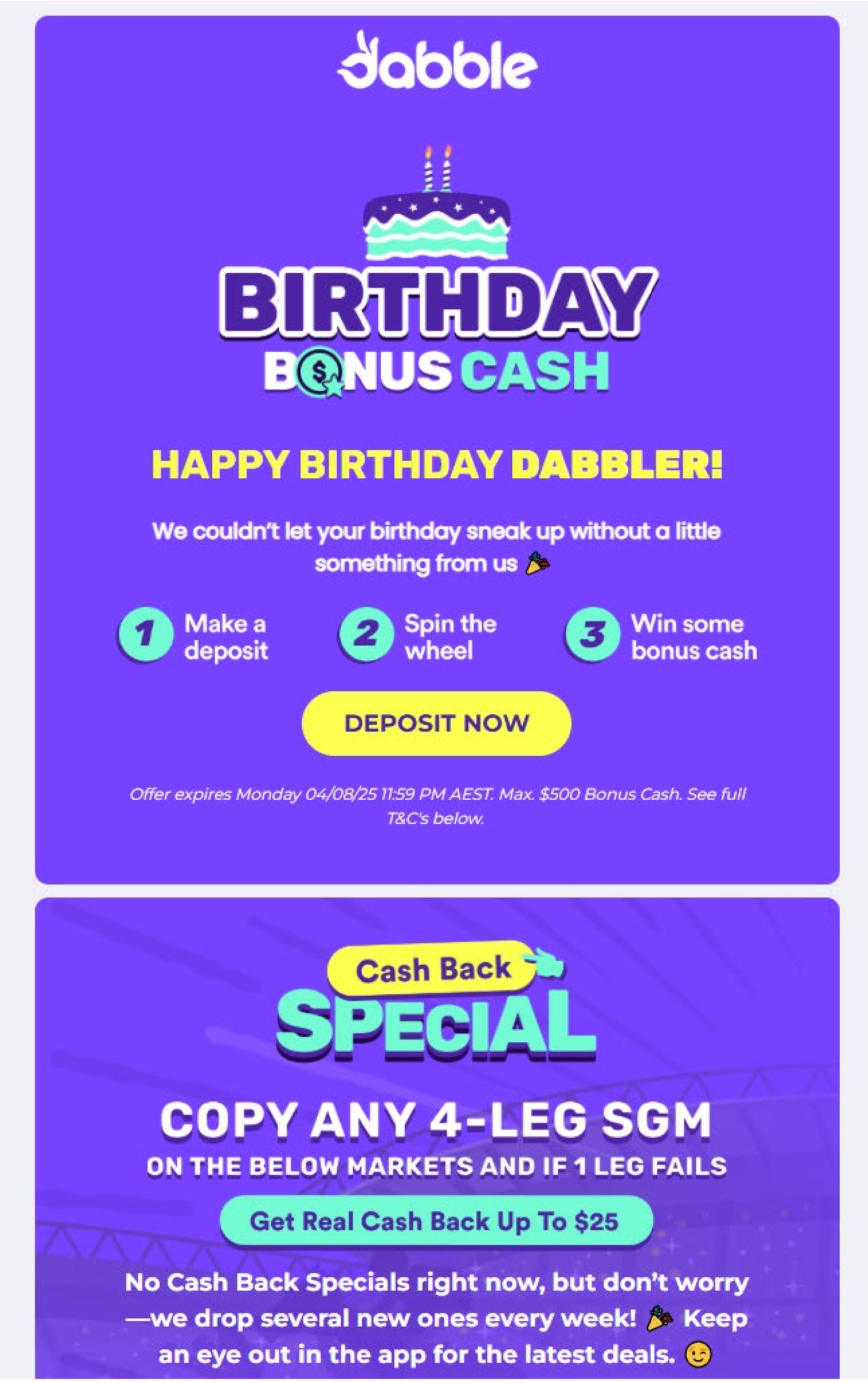
> *Push Token requests generally seek identifying details of the Apple Account associated with the device's push token, such as name, physical address and email address.*[39]

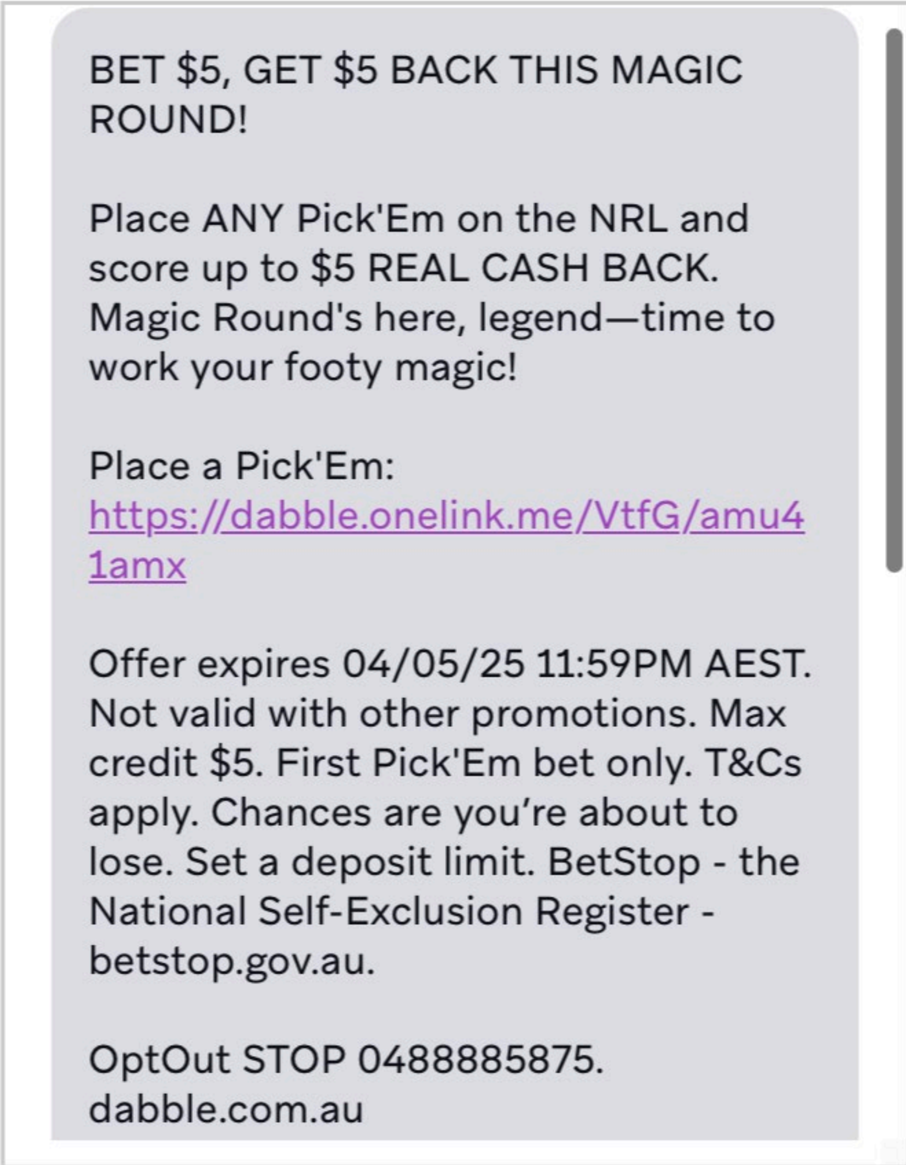
41. This information from Apple suggests Apple maintains a connection between push tokens and a specific Apple account. Google provides a similar policy for law enforcement requests of account information.[40] Based on this evidence, the ACMA is of the view that the push tokens are connected with a Google or Apple account as they are generated by Google and Apple's services and stored in connection with the relevant account.

[38] https://www.apple.com/au/privacy/government-information-requests/ accessed on 24 November 2025
[39] Apple Privacy information page accessed on 24 November 2025
[40] How Google handles government requests for user information – Privacy & Terms – Google accessed on 24 November 2025

Attachment C

Example of Email, SMS and push notification messages





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Place a Pick'Em: https://dabble.onelink.me/VtfG/amu41amx

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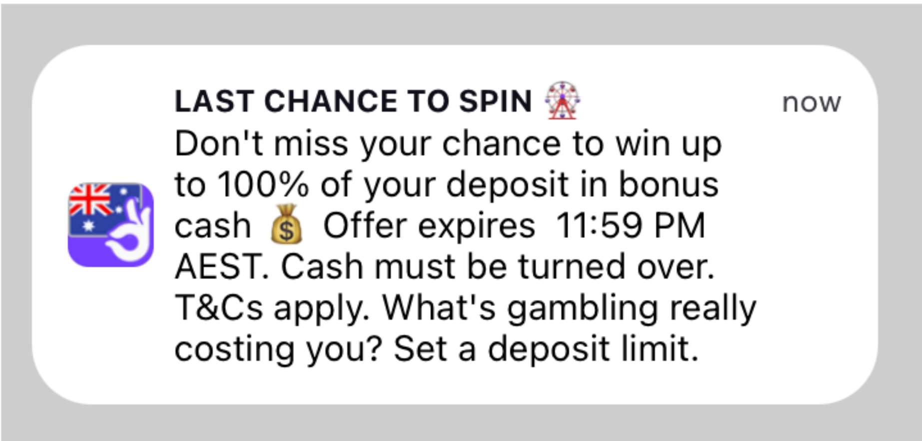
OptOut STOP 0488885875. dabble.com.au



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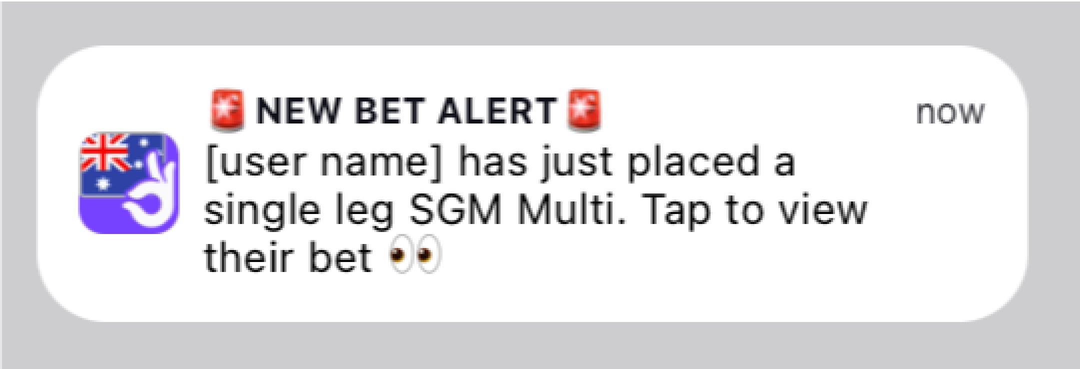
Don't miss your chance to win up to 100% of your deposit in bonus cash 💰 Offer expires 11:59 PM AEST. Cash must be turned over. T&Cs apply. What's gambling really costing you? Set a deposit limit.


🚨 NEW BET ALERT 🚨
now
[user name] has just placed a single leg SGM Multi. Tap to view their bet 👀