NORTHERN TERRITORY RACING AND WAGERING COMMISSION

DECISION NOTICE AND REASONS FOR DECISION

MATTER: Disciplinary Action against Licensee
(pursuant to section 228 of the *Racing and Wagering Act 2024)*

LICENSEE: Amused Australia Pty Ltd

LICENCE NUMBER: SBL1043

HEARD BEFORE: Mr Alastair Shields (Presiding Member)
Ms Cindy Bravos
Mr Ian Curnow
Ms Susan Kirkman
Mr Scott Perrin

DATE OF DECISION: 27 November 2025

NTCAT APPLICATION DETERMINATION

On 12 December 2025, Amused Australia Pty Ltd lodged an application with NTCAT seeking review of the Northern Territory Racing and Wagering Commission's (Commission) decision of 27 November 2025. On 7 September 2026, following the determination of that review, the Commission's decision was varied, with the monetary penalty imposed in the original decision of $19,425.00 substituted for a monetary penalty of $4,625.00.

DECISION

1. For the reasons set out below, the Northern Territory Racing and Wagering Commission **(Commission)** is satisfied that on 27 March 2025, Amused Australia Pty Ltd **(Licensee)** contravened Condition 26 of its licence by accepting bets on a sporting event or contingency associated with it, from persons physically located in Australia after the sporting event had commenced, via its Noisy and Bet Nation online wagering platforms.

2. As the conduct resulted in a contravention of its licence conditions, the Licensee's conduct is also a direct contravention of section 155(2) of the *Racing and Wagering Act 2024* **(RWA)**.

3. The Commission has determined that it is appropriate to take disciplinary action against the Licensee pursuant to section 228(2)(g) of the RWA by way of imposition of a monetary penalty of 105 penalty units, totalling $19,425.

4. The Licensee is required to pay this penalty within 28 days of the date of this decision.

BACKGROUND

The Licensee

5. The Licensee is currently authorised by the Commission to conduct the business of a sports bookmaker. The sports bookmaker licence was granted by the former Commission under the licensing regime contained within the now repealed *Racing and Betting Act* **(RBA)**.

6. In accordance with the transitional arrangements contained within the RWA, any licence issued under the repealed RBA that was valid immediately before the commencement of the RWA, continues in effect on the commencement of the RWA as a licence under the RWA.

7. Under the licence, the Licensee currently operates ten distinct digital wagering platforms being Betdeluxe, BetExpress, BetJetAU, Bet Nation, BigBet AU, MightyBet, NOISY AU, PulseBet, Surge AU and YesBet.

Anonymous Complaint

8. On 27 March 2025, an anonymous source informed an Inspector charged with monitoring compliance with the RWA, that the Licensee was accepting wagers via its website on a sporting event that had already commenced.

9. As a result of that information, an investigation was undertaken on behalf of the Commission in relation to the possible commission of an offence by the Licensee and/or whether any grounds existed for the taking of disciplinary action against the Licensee.

10. Following the investigation, a report was submitted to the Commission on 5 June 2025 pursuant to section 225(2)(b) of the RWA for its consideration.

Applicable Legislation and Compliance Obligations

11. Condition 26 of the licence issued to the Licensee, as issued by the former Commission and amended on 30 September 2022, prohibits accepting in-play bets from customers in Australia on sporting events by any method other than a live telephone voice call with an authorised representative. Specifically, Condition 26 sets out:

> The sports bookmaker must not accept bets from customers physically present in Australia, on the outcome of a sporting event or a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event by any means other than wholly by way of a telephone voice conversation (without using a synthetic or recorded voice) between a customer and an authorised representative of the sports bookmaker.
>
> A valid bet placed by a telephone voice conversation must include the authentication of the customer, all details of the requested bet and a confirmation as to whether the bet has been accepted or not. For avoidance of doubt, the use of an interactive voice recognition system or transmission of any of this betting information by means other than the telephone voice conversation does not meet the requirements of this condition.
>
> This condition does not apply to bets on horse racing, greyhound racing, or trotting events. For the purposes of this licence condition only, "sporting event" has the same meaning as affected by section 10A of the *Interactive Gambling Act 2001* (Commonwealth).

12. The transitional arrangements within the RWA set out that a condition on a licence issued under the repealed RBA that was valid immediately before the commencement of the RWA continues in effect after the commencement of the RWA as a condition under the RWA, unless inconsistent with a provision of the RWA.

13. Section 155(2) of the RWA sets out that that a licensee who contravenes a condition of its licence commits an offence, with the offence being one of strict liability and subject to a maximum penalty of 2,500 penalty units, unless the licensee can demonstrate a reasonable

excuse. The note to section 155(1) sets out that a contravention of a licence condition may also lead to disciplinary action against a licensee.

CONSIDERATION OF THE ISSUES

Conduct of the Licensee

14. On 27 March 2025, the Licensee accepted:

    i. four bets through the Noisy wagering platform (ticket numbers 258RODKL, 253FITIN, 252F79VS and 25LJE0HM); and

    ii. two bets through the Bet Nation wagering platform (ticket numbers 25H02MCO and 25XCOIVV).

15. Each of the bets accepted involved a sporting event or contingency associated with it and were placed by a person physically located in Australia after the sporting event had commenced, via an online wagering platform.

16. The four wagers placed via the Noisy wagering platform were made by a customer of the Licensee.

17. The two wagers placed via the Bet Nation wagering platform were made pursuant to the powers conferred on an Inspector under section 264(1) of the RWA. While evidence obtained in this manner is not admissible in a criminal prosecution against the person who accepted the wager, section 264(4) permits such evidence to be used as grounds for disciplinary action or to locate or identify other evidence for use in a criminal proceeding.

Licensees Response to Notification of Irregular Betting Activity

18. After being informed by an Inspector on 27 March 2025, that it was accepting in-play bets from customers in Australia on sporting events via its online wagering platforms, the Licensee identified that a betting market had remained open after play began, on each of its online wagering platforms due to a feed issue from its third-party feed provider. The Licensee subsequently manually closed the relevant betting market the same day.

19. Following an internal investigation by the Licensee, the Licensee voided each of the wagers that had been placed and adjusted the relevant wagering accounts accordingly.

20. The Licensee has confirmed that it subsequently consulted with its third-party feed provider, identified the root cause of the issue, and is now confident that the issue is resolved.

21. At the Inspector's prompting, the Licensee also reported the issue to the Australian Communications and Media Authority as the breach of its licence condition would also likely appear to constitute a breach of the *Interactive Gambling Act 2001 (Cth).*

PRELIMINARY FINDINGS

22. As a matter of procedural fairness to the Licensee, a draft of the Commission's preliminary findings into the matter was supplied to the Licensee for comment.

23. In response, on 7 August 2025, the Licensee advised the Commission that it does not dispute that a betting market remained open on the Licensee's digital wagering platforms, allowing bets to be placed despite the commencement of play. However, the Licensee submits that as the incident was the result of an isolated third-party technical failure, impacted only one customer

and was promptly rectified, this constitutes a reasonable excuse under section 155(4) of the RWA and therefore no action should be taken against it by the Commission.

24. Alternatively, if disciplinary action is deemed necessary, the Licensee submits that only a formal caution or substantially reduced monetary penalty is appropriate, given the limited scope, absence of customer harm, prompt remediation, the third-party feed provider's admitted fault, and the absence of prior similar incidents.

25. These further submissions have been taken into consideration by the Commission in finalising its determinations and are referred to where appropriate in this Decision Notice.

FINDINGS

26. On 27 March 2025, the Licensee contravened Condition 26 of its licence by accepting wagers on a sporting event or contingency associated with it, placed by persons physically located in Australia after the sporting event had commenced, via its Noisy and Bet Nation online wagering platforms.

27. As the conduct resulted in a breach of its licence conditions, the Licensee's conduct is also a direct contravention of section 155(2) of the RWA.

Reasonable Excuse under section 154(4) of the RWA

28. Section 155(4) of the RWA provides that it is a defence to a prosecution for an offence against section 155(2) if the defendant has a reasonable excuse. The note to section 155(4) of the RWA details that the defendant has an evidential burden in relation to this defence.

29. The Licensee submits that it has a reasonable excuse, as the contravention arose solely from an unforeseeable, isolated technical failure in its third-party feed provider's system, which failed to register the commencement of play for one betting market. The fault has been acknowledged by the third-party feed provider and did not result from any failure in the Licensee's compliance or trading systems, which otherwise functioned correctly and do not support in-play betting. The Licensee contends that given the industry-wide reliance on such trusted external providers, it was reasonable for it to rely on the feed to apply in-play locks, and that the circumstances fall within the scope of the defence.

30. The Licensee further submitted on 2 September 2025, that:

    i. **Third-Party Contractual Framework** - Its trading operations are based on a formal, long-term contract with a licensed global sportsbook data supplier. Under this agreement, the sportsbook data supplier is responsible for providing official sports data, including fixtures and results for major sports. Its contract with the sportsbook data supplier clearly assigns responsibility for the accuracy of the data to the sportsbook data supplier and includes terms on service delivery, monitoring and termination. Its reliance on the sportsbook data supplier was therefore contractual and standard industry practice, not discretionary;

    ii. **Operational Reliance Framework** – Its systems were fully integrated with the sportsbook data supplier's data feeds to automatically suspend markets at the start of play, using webhook integrations and automated controls. The Licensee does not offer in-play betting, and its systems are designed solely for pre-match markets. Given the scale of operations, manual suspension is impractical and reliance on the sportsbook data supplier is standard industry practice. The Licensee's customer rules also state that any bets placed after play begins are automatically void, ensuring no in-play wagering

even if a data error occurs. This demonstrate its reliance on the sportsbook data supplier was reasonable and supported by strong compliance controls;

iii. **Incident Specifics** – The incident timeline shows that play began at 11:16 am AEST on 27 March 2025. At 3:42 pm, the Licensee was alerted to the issue and the affected market was manually closed by 4:48 pm. An internal investigation began the next day and confirmed on 30 March 2025, that the issue resulted from the sportsbook data supplier's feed error. Only one customer was affected, with four small bets totalling $20, all voided and adjusted. A full audit across all brands operated by the Licensee found no further in-play bets. The third-party feed provider acknowledged that the betting market stayed open due to a configuration flaw linking suspension to the last tee-time instead of the first. The error originated in the third-party feed provider's systems, and was not foreseeable by the Licensee and was promptly reflected once detected;

iv. **Staff Training** – It has clear operational procedures and compliance training that strictly prohibits in-play betting. Its 'Bet Cancellations After Official Start Time Policy' instructs staff that in-play betting is illegal and outlines how to cancel any bets placed after the scheduled start and notify affected customers. This demonstrates a strong compliance culture and clear staff guidance for managing data feed errors or anomalies; and

v. **Historical Reliability** – It has a long record of reliability with no previous commencement of play errors, making the Licensee's reliance on it reasonable. The March 2025 incident was unprecedented and unforeseeable given the sportsbook data supplier's strong performance history.

31. Having regard to the Licensee's submissions and supporting materials (including its Third-Party Feed Integration and Compliance Controls document, its Bet Cancellations After Official Start Time Policy, contemporaneous incident timeline, audit outcomes and correspondence from its sportsbook data supplier), the Commission has carefully considered whether the Licensee's submission constitutes a reasonable excuse within the meaning of section 155(4) of the RWA. While the Commission accepts that the proximate cause of the breach was a data feed originating in the sportsbook data supplier's systems and the Licensee acted to rectify the matter once alerted by an Inspector, the totality of the evidence demonstrates that the event resulted from risks that were foreseeable, controllable and therefore properly the subject of preventative measures within the Licensee's operational remit.

32. For the reasons set out below, the Commission is satisfied that the circumstances do not amount to a reasonable excuse, although the Licensee's prompt corrective action and the limited impact of the incident are relevant to penalty:

i. **Statutory allocation of responsibility** – Section 155(2) of the RWA imposes obligations on the Licensee. Those obligations are non-delegable. Contractual arrangements with third parties do not transfer statutory duties or responsibilities away from the Licensee to another party. The Licensee therefore retains ultimate accountability for ensuring that its wagering systems prevent in-play betting and for putting in place controls to identify and respond to external failures in real time;

ii. **Foreseeability of the risk** – The Licensee's own operational documents and policies as submitted to the Commission, expressly anticipate data feed anomalies and detail steps to manage them. This demonstrates to the Commission that the risk of a third-party feed error was foreseeable. A risk that the Licensee has recognised in its policies but has not adequately guarded against cannot properly be characterised as unforeseen;

iii. **Control and system design** – The Licensee retained control over integration choices and system architecture, including suspension logic, automated restrictions tied to advertised start times, alert thresholds and escalation pathways. Reasonable design measures such as independent start-time confirmation, dual-feed redundancy or more conservative suspension triggers were available and practicable. The occurrence of in-play wagering therefore points to a deficiency in design or operational safeguards rather than to an unavoidable external event.

iv. **Internal mitigation measures** – While the Licensee's polices confirm a compliance first approach and set out post-event remediation steps, these policies cannot substitute the need to ensure that effective preventative controls are in place to ensure that in-play bets are not placed in the first instance. The presence of remediation procedures emphasises that the Licensee recognised the risk and had means to mitigate it pre-emptively but did not fully prevent its manifestation.

v. **Timeliness of detection** – Although the Licensee manually closed the market and voided wagers once it became aware, there was a material interval between commencement of play at 11:16 am AEST and notice of the issue at 3:42 pm, with a manual closure of the betting market at 4:48 pm. That delay highlights the absence of sufficient detection or automated fail-safe mechanisms that would have prevented wagers being accepted after the official start of the event.

vi. **Industry practice does not discharge statutory duties** – The fact that dependent feed systems are common across the online wagering industry and that wagering operators rely on third-party providers is relevant context but does not relieve the Licensee of its compliance responsibilities. Industry norms may inform what may be considered reasonable, but they do not replace the requirement that a licensee implements and maintains controls commensurate with the risks it has adopted in its business model.

vii. **Proportionality and mitigation** – The Commission notes that the contravention was limited in impact with only one active customer placing four bets totalling $20 and that a comprehensive audit undertaken by the Licensee across its ten wagering brands did not identify any other instance. The Licensee promptly investigated, engaged with the third-party supplier who accepted the specific failure and apologised, and voided the affected bets. Those facts are material and will be considered in determining appropriate penalty however, mitigation does not convert a preventable compliance failure into a reasonable excuse.

33. For the reasons above, the Commission finds that the Licensee's reliance on a third-party does not amount to a reasonable excuse under section 155(4) of the RWA. The proximate cause being a third-party commencement logic error, does not negate the Licensee's non-delegable obligation to ensure that in-play betting does not occur. The Licensee's prompt action and remediation once informed, and the limited consequences are relevant mitigating considerations for penalty, but they do not displace the Licensee's liability under section 155(2) of the RWA.

DISCIPLINARY ACTION

34. The Commission is satisfied that grounds exist to take disciplinary action against the licensee pursuant to section 227(1)(c)(i) of the RWA due to the Licensee's contravention of section 155(2) of the RWA; and section 227(1)(e) of the RWA due to the Licensee's contravention of a condition on its licence.

35. While prosecution remains available to the Commission, in this instance it has elected to pursue disciplinary action instead, on the basis that prosecution is typically reserved for only the most serious offences.

36. The Commission may impose a range of disciplinary action including suspension or cancellation of a licence, amendment of licence conditions, disqualification from holding a licence, issuance of formal warnings, reprimands or cautions, or directions to change business practices, or the imposition of monetary penalties. Such actions may also be subject to specific conditions. The amount of any monetary penalty imposed must not exceed 1,000 penalty units.

37. The Licensee submits that any disciplinary action should be limited to a warning or minimal monetary penalty, given the isolated nature of the incident, absence of customer harm and prompt corrective action. It submits that only one customer was affected, with four small wagers totalling $20, all voided in accordance with its rules. No loss or gain occurred. The proposed penalty in the Commission's preliminary findings of 105 penalty units is nearly 1,000 times the total exposure and is therefore, in the Licensee's view, disproportionate to the scale and impact of the breach and inconsistent with principles of regulatory fairness and proportionality. The Licensee further submits that it acted promptly, cooperated with the Commission, and voluntarily reported the matter to the ACMA. The Licensee further submits that its compliance history is limited and unrelated, and the Licensee has invested substantially in risk and compliance systems.

38. In determining the appropriate disciplinary action to take, the Commission has considered that the contravention only came to light through information from an anonymous source, the affected betting markets were available on each of the Licensee's ten digital wagering platforms, the bets were also likely accepted in contravention of Commonwealth legislation and the breach was not identified through the Licensee's own compliance or monitoring systems, demonstrating inadequate internal controls and systemic exposure to risk.

39. The Commission also notes that the Licensee has a history of non-compliance, including breaches of licence conditions and the Northern Territory Code of Practice for Responsible Service of Online Gambling 2019, between June 2022 and October 2024, resulting in multiple fines totalling over $66,000. These include penalties for violations on four separate occasions, with the most recent involving a fine for allowing a self-excluded customer to open and use a betting account. Given this record, the Commission considers that a formal warning, reprimand or caution would not be a sufficient or proportionate outcome. Such measures would fail to achieve the key objectives of both general and specific deterrence.

40. In mitigation however, the Commission notes that only two account holders (including an Inspector) placed a total of six bets, and following an internal review, the Licensee voided those bets and returned the stakes to the betting accounts. While these actions demonstrate a prompt response, voluntary reporting to the ACMA occurred only after Inspector intervention, limiting the weight of this mitigating factor. Additionally, the Inspector's wagers do not reduce the underlying compliance failure. The limited financial impact and remedial actions are noted, but they do not mitigate systemic risk posed by the contravention.

41. Ultimately, disciplinary action in the form of a monetary penalty is warranted for the following reasons:

    i. General deterrence – A fine is necessary to communicate to the broader online wagering industry licensed in the Northern Territory of the consequences of failing to maintain adequate internal controls and to uphold the integrity of the regulatory framework; and

ii. Specific deterrence – A fine is required to ensure that the Licensee is deterred from repeating similar conduct, reinforcing the importance of robust monitoring, risk management systems and proactive compliance. The Licensee, like all wagering operators licensed in the Northern Territory must be deterred from again engaging in such conduct.

42. Having considered these factors, the Commission has determined that pursuant to section 228(2)(g) of the RWA, a proportionate and balanced disciplinary response is to impose a monetary penalty of 105 penalty units, totalling $19,425 (based on the 2024-25 penalty value of $185). This penalty appropriately reflects the nature of the breach, the failure of internal monitoring and the Licensee's prior non-compliance, while acknowledging the limited actual financial impact and remedial actions taken.

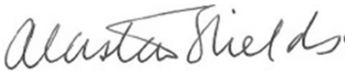
43. The Licensee is required to pay this penalty within 28 days of the date of this decision.

NOTICE OF RIGHTS

44. Section 239(1)(h) of the RWA sets out that the Northern Territory Civil and Administrative Tribunal **(NTCAT)** has jurisdiction to review any disciplinary action taken by the Commission under section 228 of the RWA.

45. Section 239(4) of the RWA sets out that an application to the NTCAT for review must be made within 14 days after the day the person making the application received the decision notice or was subject to the action that is the subject of the review.

46. In accordance with section 229(2) of the RWA, the person who may apply to NTCAT for a review of the Commission's decision is the Licensee.



Alastair Shields
Chair
Northern Territory Racing and Wagering Commission

On behalf of Commissioners Shields, Bravos, Curnow, Kirkman and Perrin