

# Formal Warning under section 64A of the *Interactive Gambling Act 2001*

**To:** PlayUp Interactive Pty Ltd (ACN 603 327 742)

**Of:** 48 Epsom Rd, ZETLAND, NSW 2017

**Attention:** Daniel Simic, Chief Executive Officer

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that PlayUp Interactive Pty Ltd (ACN 603 327 742) (PlayUp) has contravened paragraph 15C(3)(a) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issues PlayUp a formal warning under section 64A of the IGA to comply with paragraph 15C(3)(a) of the IGA.

## Details of the contravention/s

### *Obligation under the IGA*

1. Paragraph 15C(3)(a) of the IGA provides:

(3) A person who provides a regulated interactive gambling service that is a wagering service must not:

- (a) provide, or offer to provide, credit in connection with the service to a customer, or prospective customer, of the service who is physically present in Australia

2. 'Regulated interactive gambling service' is defined in section 8E of the IGA, 'wagering service' is defined in section 4 of the IGA.
3. 'Credit is defined in section 11A of the IGA:

For the purposes of this Act, **credit** is provided by a person (the **creditor**) to another person (the **debtor**) if, under a contract, arrangement or understanding:

- (a) payment of a debt owed by the debtor to the creditor is deferred;  
or
- (b) the debtor incurs a deferred debt to the creditor.

### *Investigation*

4. As a service that provides a regulated interactive gambling service that is a wagering service, PlayUp must not provide credit in connection with the service to a customer of the service who is physically present in Australia.
5. On 3 September 2019, the ACMA commenced an investigation into PlayUp's compliance with section 15C of the IGA. The investigation considered whether PlayUp provided credit to customers in Australia in contravention of paragraph 15C(3)(a) of the IGA.

6. The ACMA found that the PlayUp service, available via the URL [www.playup.com.au](http://www.playup.com.au), contravened paragraph 15C(3)(a) of the IGA on 33 occasions between 16 June 2018 and 5 October 2018 inclusive. During this period a customer of the PlayUp service placed 33 bets when there were insufficient funds in the customer's account.
7. This resulted in the customer incurring an immediate debt to PlayUp and under an arrangement or understanding between PlayUp and the customer, these debts were repaid to PlayUp at a later time.

Dated this 4 May 2021



---

**Rochelle Zurnamer**

**Delegate of the Australian Communications and Media Authority**