

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FOR CLEARANCE - AFR questions on Kick.com [SEC=OFFICIAL]
Date: Tuesday, 10 October 2023 5:16:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)

[REDACTED]

Our suggested response is below. Happy to discuss whether you think the highlighted text should be included.

[REDACTED]

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The provision or advertising of interactive gambling services in Australia

The Australian Communications and Media Authority (ACMA) enforces the *Interactive Gambling Act 2001* (IGA), which prohibits certain interactive gambling services from being offered or advertised to Australians. These include prohibited interactive gambling services such as casino-style services and slots, as well as regulated interactive gambling services, such as wagering services, that are not licensed by an Australian state or territory.

The ACMA can apply to the Federal Court of Australia for imposition of a civil penalty order of up to AUD\$11,737,500 per day for corporations providing a prohibited or unlicensed regulated interactive gambling service, and up to AUD\$281,700 per advertisement per day for corporations advertising a prohibited or unlicensed regulated interactive gambling service.

Advertising of prohibited services

Part 7A of the IGA prohibits the advertising of prohibited and unlicensed regulated interactive gambling services, subject to certain exceptions. This prohibition includes the publication of these advertisements on a website accessible by Australians, but if and only if the ACMA is satisfied that the majority of persons who access the content are physically present in Australia. This potentially limits the reach of the advertising prohibition for websites that have a global audience such as Kick, Facebook, You Tube and Twitch.

The ACMA's [submission](#) to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into online gambling and its impacts on those experiencing gambling harm (#96) outlined some legislative pressure points, including the potential limitations of the advertising prohibition under the IGA.

The ACMA is aware of the stake.com service and note that it is geo-blocked in Australia.

[REDACTED]
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acma.gov.au

[REDACTED]

[REDACTED]

From: Media ACMA [REDACTED]

Sent: Tuesday, 10 October 2023 3:21 PM

To: [REDACTED]

[REDACTED]

Cc: [REDACTED]

[REDACTED] Media ACMA [REDACTED]

Subject: FW: AFR questions on Kick.com [SEC=OFFICIAL]

Hi [REDACTED],

The AFR did come to us with a query about stake.com and Kick, although they amended their questions a little. I think what we have is fine, but maybe need a short sentence on whether we have received any complaints or investigated.

[REDACTED]

The provision or offer of interactive gambling services in Australia

The Australian Communications and Media Authority (ACMA) enforces the *Interactive Gambling Act 2001* (IGA), which prohibits certain interactive gambling services from being offered or advertised to Australians. These include casino-style services such as slot machines, roulette and blackjack and wagering services not licensed by an Australian state or territory.

Advertising of prohibited services

Part 7A of the IGA prohibits the advertising of prohibited and unlicensed regulated interactive gambling services, subject to certain exceptions. This prohibition includes the publication of these advertisements on a website accessible by Australians, but if and only if the ACMA is satisfied that the majority of persons who access the content are physically present in Australia. This potentially limits the reach of the advertising prohibition for websites that have a global audience such as Kick, Facebook, You Tube and Twitch.

The ACMA is aware of the stake.com service and note that it is geo-blocked in Australia.

From: [REDACTED]
Sent: Tuesday, 10 October 2023 2:50 PM
To: Media ACMA [REDACTED]
Cc: [REDACTED]
Subject: AFR questions on Kick.com

Hi [REDACTED],

Thanks for your time on the phone earlier. I have listed the questions below. **My deadline for this story is Wednesday 10am.** Thanks,

Is Kick allowed to promote illegal gambling services?

What are the penalties for promoting illegal gambling services?

Does ACMA have concerns about global streaming platforms helping to facilitate the promotion of illegal gambling services to Australians?

Is ACMA considering changing or tightening up rules in the future to recognise that platforms are being used this way?

Have you received complaints that Kick is advertising illegal gambling products?

Has ACMA investigated whether Kick's live streams promote illegal gambling products?

