

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]
Date: Tuesday, 30 January 2024 4:30:30 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.jpg](#)

Thanks [REDACTED]

That is v helpful

[REDACTED]

It would be useful to have a landing before estimates

From: [REDACTED]
Sent: Tuesday, January 30, 2024 4:07 PM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

However, our current understanding is that there is a similar accidental/incidental exception under the IGA that applies to a gambling ad in a livestream online under the publication provisions (see section 61ED). The meaning of publication under section 61CA is broad to include this type of service.

Similarly, under the BSA, the Commercial code excludes incidental accompaniments (such as advertising on a uniform) from the definition of a 'Promotion of Betting Odds'.

Section 18(3) of the Online Rules also provides that there is no contravention where the reference to gambling promotional content occurs as part of live coverage of the sporting event, and consists of the name of the sporting venue, or of a player's or official's uniform, or of advertising signage, such as a field barrier, big screen or scoreboard, at the venue of the sporting event, and the provider does not receive any direct or indirect benefit (whether financial or not) for providing the gambling promotional content, in addition to any direct or indirect benefit that the provider receives for providing the live coverage of the sporting event.

Let us know if you need anything further.

Thanks [REDACTED]

From: [REDACTED]
Sent: Monday, January 29, 2024 3:24 PM
To: [REDACTED]
Subject: [REDACTED]

Sorry, a follow up question/clarification on this one (having looked more closely at the legislation).

- I am clear on the exception for broadcasting or datacasting in 61DB
- Where does this leave a live stream of the cricket (as distinct from a broadcast or datacast) and;
- Could a live stream be similarly excepted by section 61ED (accidental/incidental)?

From: [REDACTED]
Sent: Monday, January 29, 2024 2:39 PM
To: [REDACTED]
Subject: [REDACTED]

[REDACTED]

This is where we landed last week on this matter.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 18, 2024 4:32 PM
To: [REDACTED]
Subject: [REDACTED]

The prohibition in the Part 7A of the IGA on broadcasting 'designated interactive gambling services ads has an exception for 'Accidental or incidental broadcast' (s61DB) where its an accidental or incidental accompaniment to the broadcast and the broadcaster doesn't receive any direct or indirect benefit (in addition to the benefit they get from providing the coverage).

On that basis, it probably doesn't offend.

The same exception applies to the prohibition under the BSA.

Just included the previous responses you pulled together last time this matter came up.

[REDACTED]

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The response we provided [REDACTED] in relation to the advertising of Stake.Com at the Formula 1 was:

The prohibition of 'betting advertising' during live sport do not apply to incidental or accidental advertising. This is defined in the broadcasting industry codes of practice and the rules applicable to online streaming services as material which occurs or is included in the normal course of broadcasting a Live Sporting Event for which the Licensee does not receive any direct or indirect benefit. Examples include the name of the sporting venue, branding on player uniforms, and signage at the sporting venue.

The publication or broadcast of advertisements in Australia for illegal gambling services are prohibited under the IGA. This includes:

- prohibited interactive gambling services (such as an online casino-style service or online wagering service that accepts in-play betting on sporting events) or
- unlicensed regulated interactive gambling services (such as an online wagering service provided without a licence issued by an Australian state or territory and provided to customers physically present in Australia).

Our responses to [REDACTED] have been limited to:

Part 7A of the *Interactive Gambling Act 2001* prohibits the publication or broadcast of advertisements for 'designated interactive gambling services' in Australia. That is, either:

- prohibited interactive gambling services (such as an online casino-style service or online wagering service that accepts in-play betting on sporting events) or
- unlicensed regulated interactive gambling services (such as an online wagering service provided without a licence issued by an Australian state or territory and *provided to customers physically present in Australia*).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Thursday, January 18, 2024 2:56 PM

To: [REDACTED]

Subject: [REDACTED]

I just took a photo from the TV.

[REDACTED]

Sent from my iPhone