

Formal Warning

under section 205XA of the *Broadcasting Services Act 1992*

To: Network Ten Pty Limited (ACN 052 515 250)

Of: 1 Saunders Street, Pyrmont NSW Australia 2009

Attention: [REDACTED]

I, [REDACTED], an authorised infringement notice officer appointed by the Australian Communications and Media Authority (ACMA) under section 205ZE of the *Broadcasting Services Act 1992* (the BSA), having reasonable grounds to believe that Network Ten Pty Limited (Ten) has contravened, subclause 25(1) of Schedule 8 to the BSA (**Schedule 8**) 133 times, being a designated infringement notice provision;

HEREBY issue Ten a formal warning under section 205XA of the BSA, for contravening subclause 25(1) of Schedule 8 to the BSA and warn Ten that I, or another authorised infringement notice officer, may be entitled to give Ten an infringement notice relating to the contravention.

Details of the contraventions

On 14 October 2023, Ten provided to end-users of the 10Play online content service, gambling promotional content during live coverage of the *England v Australia Football Friendly* match and the *A-League Women's Central Coast Mariners v Newcastle Jets football match* (the **Matches**) between the hours of 5:00 am and 8:30 pm, in contravention of section 12 of the Online Rules and between the hours of 8:30 pm and 5:00 am in contravention of section 15 of the Online Rules.

Obligations under the Online Rules and BSA

1. Section 12 of the Online Rules provides that an online content service provider must not provide gambling promotional content on an online content service in conjunction with live coverage of a sporting event in the period beginning at 5:00 am and ending at 8:30 pm.
2. Subsection 15(1) of the Online Rules provides that an online content service provider must not provide gambling promotional content (other than promotion of odds, a commentator betting odds promotion or a representative venue-based promotion) on an online content service in conjunction with a live coverage of a sporting event in the period beginning at 8:30 pm and ending at 5:00 am, unless this occurs during an unscheduled break in play; in the five minutes before the scheduled start of the sporting event; or in the five minutes after the conclusion of the sporting event (see subsection 15(2)).
3. Subclause 25(1) of Schedule 8 provides that an online content service provider must not contravene the Online Rules, and this is a designated infringement notice provision (see subclause 25(4) of Schedule 8).

Investigation

4. Under subclause 24(2) of Schedule 8, in January 2024, the ACMA commenced an investigation into whether, during its live coverage of the Matches, the 10Play online content service provided gambling promotional content in contravention of the Online Rules, and whether records sufficient to ascertain compliance with the Online Rules were made.
5. Ten is the provider of the 10Play service.

Contravention of section 12 of the Online Rules

6. In conducting its investigation, the ACMA obtained evidence that the 10Play online content service provided gambling promotional content to end-users in various Australian locations between the hours of 5:00 am and 8:30 pm (local time) during its live coverage of the Matches.
7. Ten supplied detailed information of the gambling promotional content and the advertising impressions data, which provided the maximum number of times a unique gambling advertisement was provided to end-users across Australia in the relevant local time zone.
8. The ACMA found that, as the provider of 10Play, Ten contravened section 12 of the Online Rules 101 times by providing prohibited gambling promotional content between the hours of 5:00 am and 8:30 pm (local time) to end-users in Australia.

Contravention of section 15 of the Online Rules

9. The ACMA obtained evidence that the 10Play online content service provided gambling promotional content in the form of gambling advertisements to end-users in various Australian locations between the hours of 8:30 pm and 5:00 am (local time) during its live coverage of the Matches.
10. Ten supplied detailed information of the gambling promotional content and the advertising impressions data, which provided the maximum number of times a unique gambling advertisement was provided to end-users across Australia in the relevant local time zone.
11. The ACMA found that, as the provider of 10Play, Ten contravened section 15 of the Online Rules 32 times by providing prohibited gambling promotional content to end-users in Australia.

Contravention of subsection 25(1) of Schedule 8

12. As a consequence of finding that Ten contravened section 12 of the Online Rules 101 times, and section 15 of the Online Rules 32 times, the ACMA found that Ten contravened subclause 25(1) of Schedule 8 133 times.

Dated this 16 August 2024.

[Redacted signature block]

[Redacted name]
Authorised Infringement Notice Officer under section 205ZE of the BSA