

18 March 2024

[REDACTED]
Head of Regulatory
Optus Mobile Pty Ltd
1 Lyonpark Road
Macquarie Park NSW 2113

By email: [REDACTED]

ACMA file reference: BI-000688

Dear [REDACTED]

Investigation of gambling advertising in various football matches broadcast on Optus Sport

The Australian Communications and Media Authority (the **ACMA**) is writing to you as the Head of Regulatory for Optus Mobile Pty Ltd. The ACMA understands that Optus Mobile Pty Ltd owns and operates the Optus Sport website (<https://sport.optus.com.au/>) and the associated Optus Sport app.

The ACMA has received a complaint and commenced an investigation regarding alleged gambling advertising (**advertising**) for gambling services during football matches shown by Optus Sport. The advertising is alleged to have occurred on games during the period 17 December 2023 to 4 January 2024 (inclusive). Details are provided below.

Relevant advertising content

The content that is the subject of the complaint is as follows:

La Liga – highlights package

- > Advertisements for Kaiyun during the highlights package of Real Madrid vs RCD Mallorca, La Liga, played on 4 January 2024 (the **La Liga highlights**).

Please note that as part of its investigation, the ACMA will also consider the content shown in the Optus Sport livestream of the Real Madrid vs RCD Mallorca La Liga match on 4 January 2024 (the **La Liga live stream**). It is our understanding that this match of 3 January 2024 (CET) was live streamed on sport.optus.com.au on 4 January 2024 (AEDT).

English Premier League matches

- > Advertisements for 8XBET during Manchester City vs Crystal Palace, English Premier League, 17 December 2023.
- > Advertisements for BK8 during Aston Villa vs Sheffield United, English Premier League, 23 December 2023
- > Advertisements for 8XBET (as related brand 6686bet.com) during Wolverhampton Wolves vs Chelsea, English Premier League, 25 December 2023.

- > Advertisements for W88 during Burnley vs Liverpool, English Premier League, 27 December 2023.
 - > Advertisements for Parimatch during Chelsea vs Crystal Palace, English Premier League, 28 December 2023.
 - > Advertisements for Kaiyun during Chelsea vs Crystal Palace, English Premier League, 28 December 2023.
- (the **English Premier League matches live streams**)

Information requested

The ACMA seeks the following information and material:

1. For the La Liga live stream can you:
 - a. provide a copy of the live stream.
 - b. confirm:
 - i. the time that the live match coverage commenced and ended.
 - ii. the published scheduled start of play.

Virtual advertisements

2. For the La Liga *live stream*, were virtually inserted gambling advertisements included in the live stream, and if so:
 - a) was Optus responsible for inserting them?
 - b) did Optus receive a financial benefit for inserting them?
3. For the La Liga *highlights*, were virtually inserted gambling advertisements for Kaiyun included, and if so:
 - a) was Optus responsible for inserting them?
 - b) did Optus receive a financial benefit for inserting them?
4. For the English Premier League matches live streams, were advertisements for 8XBET, BK8, W88 and Parimatch virtually inserted, and if so,
 - a) was Optus responsible for inserting them?
 - b) did Optus receive a financial benefit for inserting them?

General submissions

Any other submissions on compliance or other relevant information that Optus may wish to provide at this time.

Relevant legislation

Under subclause 25(1) of the *Broadcasting Services (Online Content Service Provider Rules) 2018* (the Online Rules), an online content service provider must not contravene the online content service provider rules. Therefore, this investigation will consider Optus' compliance with the obligations in Parts 3 and 4 of the Online Rules, as per subclause 25(1). The investigation will also consider compliance with sections 61DA and 61EA of the *Interactive Gambling Act 2001* (the IGA).

Please note that in accordance with its statutory duty, the ACMA may publish relevant extracts from submissions in investigation reports. Other than in exceptional circumstances, or as required by law, only material which would be exempt from release under the *Freedom of Information Act 1982* (Cth) will be treated as confidential.

Timing

Please provide your response to the above by **5pm, 1 April 2024**.

The ACMA may seek additional information and/or material as the investigation progresses.

Please note that giving false or misleading information to the ACMA in the course of an investigation is a serious offence. This includes information that may be misleading due to omission.

You may contact me at [REDACTED] or [REDACTED] if you have any queries.

Yours sincerely,

[REDACTED]

[REDACTED]

Acting Manager, Gambling Compliance Team