



Dear [REDACTED]

I am writing to again express RWA's ongoing concerns regarding the proliferation of advertising from illegal offshore wagering providers in Australia and the Australian Communications and Media Authority's (**ACMA**) use of its enforcement powers. While RWA was pleased that the ACMA listed the issue as one of its compliance priorities after raising this matter with the ACMA and the Government on multiple occasions, the issue persists without clear regulatory intervention, despite the ACMA having the necessary enforcement powers.

RWA and its members are committed to maintaining the highest standards of responsible wagering and consumer protection. However, such efforts are undermined when illegal operators are allowed to freely advertise to Australian audiences. RWA continues to observe advertising from illegal offshore wagering providers in Australia, including Australian broadcasters taking international feeds that carry digital advertising from unlicensed offshore wagering providers. Just this month, during the Wellington Phoenix and Brisbane Roar A-League game, advertising from an offshore provider based in Curaçao - 8Xbet - was broadcast into Australia and New Zealand via a streaming service.

(a) offer no consumer protections to customers,
(b) offer no economic benefits or contribution to the Australian economy, and
(c) withhold integrity information with Australian racing and sports bodies.

Allowing unlicensed offshore operators to gain visibility in Australian broadcasts gives these providers an air of legitimacy while undermining Australia's regulatory efforts. More importantly, it also puts Australian consumers directly at risk, as these operators are not subject to the responsible gambling measures that apply to licensed, onshore providers.

The ACMA's enforcement powers remain underutilised

The ACMA has several enforcement tools at its disposal, including the ability to issue formal warnings or notices to operators in breach, demanding they cease operations targeting Australians. However, these tools do not appear to have been used. In 2017, amendments to the *Interactive Gambling Act 2001 (IGA)* were specifically designed to combat illegal offshore gambling through stronger enforcement and disruption measures. Under Section 64C of the IGA, the ACMA has the authority to apply to the Federal Court for financial penalties against illegal offshore providers. This power is critical to protecting Australian consumers and ensuring the integrity of Australia's regulated wagering industry.

In its ['Disrupting Illegal Offshore Wagering: 12-month report into the ACMA's actions under the Interactive Gambling Act 2001.'](#) released in October 2018, the ACMA stated:

*"Over the next 12 months, we will focus on escalating enforcement activities against non-compliant services. This may include notifying directors or principals of offshore gambling services to Australia's border protection agency for inclusion on the Movement Alert List, or **commencing litigation in the Federal Court of Australia to apply civil penalty orders against non-compliant services and/or individuals knowingly concerned in their operation.**"*

Despite this commitment, six years have passed without a single Federal Court penalty imposed on illegal offshore providers. In recent [media reports](#) about offshore providers advertising in Australia, a spokesperson for the ACMA acknowledged that "The ACMA can also apply to the Federal Court for a civil penalty order," yet this power has not been utilised.

RWA calls for urgent action

We understand that regulatory enforcement in this space presents challenges. However, given the ACMA's stated commitment to addressing illegal offshore wagering, RWA seeks advice as to why Federal Court action has not been pursued against offshore operators advertising in Australia.

We urge the ACMA to:

1. Confirm whether the ACMA intends to pursue Federal Court action against any identified illegal offshore operators.
2. Advise how the ACMA, and the Federal Government more broadly, plans to enhance its enforcement approach to prevent further illegal behaviour. Are new powers being considered (as a part of a response to the Murphy Report, for example)?

RWA is committed to supporting the ACMA's efforts to disrupt illegal offshore operators. We look forward to your urgent response on this issue and would welcome the opportunity to meet with you to discuss how we can work collaboratively on enforcement solutions.

Please do not hesitate to contact [REDACTED], Head of Policy and Operations, at [REDACTED] you require any more information on these issues.

[REDACTED]

Chief Executive Officer

17 February 2025