



Part 13 of the *Broadcasting Services Act 1992*

**Section 173**

**NOTICE TO PROVIDE DOCUMENTS AND INFORMATION**

**To:** Sportsbet Pty Ltd (ACN 088 326 612)

**At:** Level 15, 367 Collins Street, Melbourne VIC 3000

**Attention:** [REDACTED], Directors

The Australian Communications and Media Authority (the **ACMA**) for the purposes of investigations conducted under subparagraph 21(1)(a)(i) of the *Interactive Gambling Act 2001* (the **IGA**), into whether the provision of an online gambling service by Sportsbet Pty Ltd (ACN 088 326 612) (**Sportsbet**) contravenes section 15 of the IGA because that service is a prohibited interactive gambling service with an Australian-customer link;

HEREBY gives notice under paragraph 173(b) of the *Broadcasting Services Act 1992* (the **BSA**) requiring Sportsbet to provide to the ACMA, by the time and date specified below, the documents and information specified in Schedule B to this Notice relevant to the subject matter of the investigation.

**Background**

1. The ACMA may conduct investigations under section 21 of the IGA into whether a person has contravened Part 2 of the IGA.
2. Subsection 15(2A) of the IGA provides that a person must not provide a prohibited interactive gambling service (see section 5) that has an Australian-customer link (see section 8).
3. The ACMA is pursuing an investigation under section 21 of the IGA into whether Sportsbet has contravened section 15 of the IGA by the provision of a prohibited interactive gambling service, in the form of in-play betting using Fast Codes, with an Australian customer link, via the [www.sportsbet.com.au](http://www.sportsbet.com.au) website.
4. The documents and other information required by this Notice are relevant to the subject matter of the investigation.

**Time:** 5:00pm (AEDT)

**Date:** Monday 6 March 2023

To: Australian Communications and Media Authority  
Level 5, 65 Pirrama Road, Pyrmont NSW 2009

Marked to the attention of: [REDACTED]

You must provide the documents and information in a digital format to the ACMA:

- (a) in person;
- (b) by receipted courier delivery;
- (c) by registered mail delivery;
- (d) via secure file sharing application; or
- (e) via email to [REDACTED] and [igtaskforce@acma.gov.au](mailto:igtaskforce@acma.gov.au),  
unless the content of the email exceeds 10MB, in which case it must be  
provided in one of the manners listed above at (a) to (c).

Words in this Notice, including the Schedules to this Notice, have the meanings set out in Schedule A to this Notice.

**TAKE NOTE:**

1. Subsection 202(2) of the BSA provides that it is an offence for a person required to answer a question, to give evidence or to produce documents under Part 13 of the BSA to:
  - (a) when required to take an oath or make an affirmation, refuse or fail to take the oath or make the affirmation; or
  - (b) refuse or fail to answer a question that the person is required to answer; or
  - (c) refuse or fail to produce a document that the person is required to produce.

A person convicted of this offence may be liable to imprisonment for one year.

Subsection 202(2A) of the BSA provides that a person will not be liable if the person has a reasonable excuse (see too subsections 202(3) and (4)). In criminal proceedings, a defendant bears an evidential burden if relying on the reasonable excuse defence (see subsection 13.3(3) of *the Criminal Code*).

2. Subsection 202(2AA) of the BSA has the effect that the ACMA may institute proceedings for a civil penalty order if, a person required to answer a question, to give evidence or to produce documents under Part 13 of the BSA:
  - (a) when required to take an oath or make an affirmation, refuses or fails to take the oath or make the affirmation; or
  - (b) refuses or fails to answer a question that the person is required to answer; or
  - (c) refuses or fails to produce a document that the person is required to produce.

Subsection 202(2A) of the BSA provides that a person will not be liable for a civil penalty if the person has a reasonable excuse (see too subsections 202(3) and (4)). A person who wishes to rely on subsection 202(2A) in proceedings for a civil penalty order bears an evidential burden in relation to that matter (see subsection 202(2B) of the BSA).

3. Giving false or misleading information or documents is a serious offence (see sections 137.1 and 137.2 of the *Criminal Code*).

Dated: 17 February 2023

Executed by the Australian Communications and Media Authority.




Signature of Member



Name (Please print)



Signature of Member/General Manager



Name (Please print)

## SCHEDULE A – DEFINITIONS

In the Notice, unless the context otherwise requires:

The singular includes the plural and vice versa;

Terms that are defined in the BSA have the same meaning as in that Act;

Terms that are defined in the IGA have the same meaning as in that Act;

**Document** means any Record of information and includes:

- (a) anything on which there is writing;
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else;
- (d) a map, plan, drawing or photograph;

**Fast Code** means a code provided to a customer in the Fast Codes service, which embeds the:

- (a) event;
- (b) bet type;
- (c) bet selection; and
- (d) any other information relevant to the Fast Codes service;

**Fast Codes call** means the call made by the customer to the Operator to place a bet using a Fast Code;

**Fast Codes Process** means each action to be taken by the customer and the Operator in its dealings with the customer to place an in-play bet using the Fast Codes service;

**Fast Codes service** means the in-play betting service using Fast Codes provided to customers as part of the Sportsbet Service;

**Operator** means Sportsbet Pty Ltd (ACN 088 326 612);

**Record** includes information stored or recorded by means of a computer;

**Relevant Period** means the period between the date(s) the Fast Codes service commenced on each of the desktop and mobile applications of the Service and the date of this Notice (both inclusive);

**Sportsbet Service** means the service available via the website [www.sportsbet.com.au](http://www.sportsbet.com.au), including both its desktop and mobile applications, provided by the Operator.



## **SCHEDULE B - DOCUMENTS AND INFORMATION REQUIRED TO BE PROVIDED**

### **Information to be provided**

1. State the date(s) the Fast Codes service commenced on each of the desktop and mobile applications of the Sportsbet Service.
2. Describe each action in the Fast Codes Process as it operated at the date(s) the Fast Codes service commenced.
3. State whether the Fast Codes Process described in the answer to [2] has at all times during the Relevant Period been the same, for each of the desktop and mobile applications of the Sportsbet Service.
4. If the answer to [3] is no,
  - a. describe each change to the Fast Codes Process that has occurred during the Relevant Period, for each of the desktop and mobile applications of the Sportsbet Service;
  - b. state the dates each change to the Fast Codes Process began and the period during which the amended Fast Codes Process operated.
5. For each period in which the Fast Codes Process operated in the way disclosed in the answers to [2] and [4], state:
  - a. whether the customer was required to speak with an individual person (rather than an automated or computerised voice) and if no, provide details of any interactions the customer was required to make that were not with an individual person; and
  - b. whether tone signals were used, other than those used for menu systems for transferring callers and if yes, provide details of the way those tone signals were used.
6. State the following information about customers of the Fast Codes service, for each of the desktop and mobile applications of the Sportsbet Service:
  - a. a description of all the customers that can access the Fast Codes service, for example, whether customers need to have an account with that Sportsbet Service;
  - b. all the ways a customer can identify themselves to place an in-play bet as part of the Fast Codes service, including if they are logged into the Sportsbet Service or not;
  - c. all the ways a customer can deposit money to place the in-play bet as part of the Fast Codes service;
  - d. whether customers physically present in Australia can place an in-play bet using the Fast Code service; and
  - e. all the ways a customer can initiate a call to the Operator to use the Fast Codes service, including whether a customer can click on a phone number that appears in the Fast Code pop-up and be automatically connected to the Operator.
7. After the Fast Code is generated, if there is a pop up prompting the customer to click on the telephone number of the Operator, what, if any, information is conveyed to the Operator once the customer clicks and calls the number in the pop up, including about the bet and the customer.

8. State whether the Operator's staff can see on their systems the number of in-play bets made by a customer during a particular period of time.
9. If the answer to [8] is yes, provide details of the information that can be seen by the Operator's staff, including how it is used by the Operator's staff as part of the Fast Codes service, including as an indicator of problem gambling, 'red flag' behaviour, and whether to accept the bet.
10. For each period in which the Fast Codes Process operated in the way disclosed in the answers to [2] and [4], provide the following information for each in-play bet(s) placed using the Sportsbet Service, in the last 6 months of the period, or if the period is less than 6 months, the period:
  - a. date and time on which call made by customer; and
  - b. customer identification (for example, their name or number); and
  - c. whether the in-play bet was placed using the Fast Codes service or not; and
  - d. entire duration of the call to place the in-play bet; and
  - e. length of time the customer was placed on hold until the Operator's staff answered their call; and
  - f. date and time on which in-play bet(s) was placed.

Please provide the above information in a table format set out as follows:

Date and time of call made by customer	Customer identification (name or number)	Fast Code issued to customer (yes/no)	Entire duration of call	Length of time on hold	Date and time bet placed
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11. For the sample recordings in [14] in which Fast Codes are being used:
  - a. provide an explanation of the information embedded in the Fast Code which is quoted by the customer in the call, that is, what the bet relates to; and
  - b. state whether the calls provided in [14] are representative of these types of calls during the relevant period and if not:
    - i. provide details of why they are not representative; and
    - ii. provide a sample recording that is representative.
12. Describe the Operator's understanding of the following terms with respect to an in-play bet: market, event, bet type and bet selection.

#### **Documents to be provided**

13. Provide step by step screen captures of the generation of Fast Codes on each of the desktop and mobile applications of the Sportsbet Service which are representative of the way Fast Codes are generated during the Relevant Period. If Fast Codes have not been generated in the same way at all times during the Relevant Period, provide screen

captures that represent each change in the way Fast Codes have been generated and the relevant dates from which these changes applied.

14. Based on the information provided for each of the periods identified in [10], provide recordings of the entire calls made between the customer and Operator's staff for each of the following:
  - a. 10 calls closest to each of the longest, shortest and average duration to place an in-play bet with the use of the Fast Codes service for that period; and
  - b. 10 calls closest to each of the longest, shortest and average duration to place an in-play bet without the use of the Fast Codes service for that period.
15. Provide copies of all training Documents provided to the Operator's staff with respect to answering calls where customers provide Fast Codes, including:
  - a. training materials in relation to dealing with problem gamblers, including to identify problem gambling and 'red flag' behaviour; and
  - b. script(s) that staff are instructed to follow when accepting a telephone bet with the use of a Fast Code.
16. Provide copies of all the following advertisements and promotional Documents about the Fast Codes service, used by the Operator during the Relevant Period:
  - a. Documents provided to the public including through social media platforms or other online advertising including the Sportsbet Service's website; and
  - b. template Documents of advertising and promotional emails and SMSs sent to customers as part of a mailing list.

