

12 December 2022

[REDACTED]
Legal Governance
IRPSX Pty Ltd trading as Bet Right
Level 3, 7 Bridge St
Sydney NSW 2000

ACMA file reference: ACMA2022/353-23

Dear [REDACTED]

Complaint in relation to the Brownlow Medal count

I refer to your correspondence dated 3 October 2022 in which you lodged a complaint about certain wagering operators allowing in-play betting on the Brownlow Medal.

In particular, you expressed concern about the actions of Sportsbet in broadcasting market updates of live prices which included information that clients could bet live via the Sportsbet App.

The Australian Communications and Media Authority (ACMA) has conducted an investigation into Sportsbet's compliance with the *Interactive Gambling Act 2001* (the IGA) in relation to its activities during the live broadcast of the Brownlow Medal count. We have found that Sportsbet:

- > did not provide a prohibited interactive gambling service, in the form of an in-play betting service in contravention of subsection 15(2A) of the IGA.
- > did not broadcast a designated interactive gambling service advertisement in Australia or authorise or cause a designated interactive gambling service advertisement to be broadcast in Australia in contravention of subsections 61DA(1A) or (3) of the IGA

Information on our findings is provided below.

In-Play betting service

Section 10B of the IGA provides that a gambling service is an *in-play betting service* to the extent to which:

- (a) *the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event; or*

- (b) the service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of the event.*

The IGA does not include a definition of a sporting event. However, the ACMA has considered its ordinary meaning and determined that in terms of the IGA, the Brownlow Medal Count is not a sporting event itself.

We have also formed the view that the outcome of the Brownlow Medal Count is a contingency which is determined by the votes awarded by umpires at the conclusion of each match. This is based on the individual performance of players and is not dependent on the outcome of the match. Therefore, this is not a contingency which may or may not happen in the course of a sporting event.

For these reasons the ACMA has found that Sportsbet did not offer a prohibited interactive gambling service, in the form of in-play betting during the Brownlow Medal Count.

Designated gambling service

The definition of a designated gambling service (section 4) in the IGA is:

- (a) a prohibited interactive gambling service: or*
(b) an unlicensed regulated interactive gambling service

Given the finding that Sportsbet did not offer a prohibited interactive gambling service, it follows that Sportsbet did not broadcast a designated interactive gambling service advertisement in Australia in contravention of subsection 61DA(1A) or authorise, or cause, a designated interactive gambling service advertisement to be broadcast in Australia in contravention of subsection 61DA(3) of the IGA.

Consideration of betting on other awards relating to sporting events

For completeness, we have also considered betting markets offered on other awards relating to sporting events. These include the Norm Smith medal and the Clive Churchill medal.

We note that these awards are made based on the performance of players during an individual match, with the award winner selected and announced at the conclusion of the event by officials or independent persons. The selection of the winner is not dependant on the outcome of the event.

While we will consider each matter on its merits, for the reasons outlined above in relation to the Brownlow Medal Count, we would generally not consider an award determined at the conclusion of an event to be a sporting event, or a contingency which may or may not happen in the course of a sporting event.

The ACMA intends to publish the findings of our investigation as it will have educative value for other wagering operators and consumers. We will also include information on our findings in the ACMA gambling e-bulletin.

We have attached a copy of the information we will be publishing and request that you maintain confidentiality until it is published.

Please note that we have not provided any information to Sportsbet as to who lodged the complaint that resulted in the ACMA investigation.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

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