

# Complaint and Investigation Assessment (CIA) for Interactive Gambling Matter

## COMPLAINT/MATTER DETAILS

Date complaint received by the ACMA (if relevant)	3 November 2022
CRM Reference (i.e. complaint ID)	IGA-2022-00742
URL	<a href="http://www.sportsbet.com.au">www.sportsbet.com.au</a>
Provider (registrant/advertiser/broadcaster)	Sportsbet
Service name	Sportsbet
Relevant provision/s of the Interactive Gambling Act 2001 (IGA)	<ul style="list-style-type: none"> <li>Subsection 15(2A) — providing a prohibited interactive gambling service that has an Australian-customer link</li> <li>Subsections 61DA(1A) and (3) – publishing or authorising or causing the publication of a designated interactive gambling service advertisement in Australia and the publication is not permitted by sections 61EB, 61ED, 61EE and 61EF of the IGA</li> </ul>
Relevant investigations (previous and current investigations)	N/A
<b>Comments</b> <p>The ACMA has received a complaint alleging that Sportsbet advertised and provided in-play online betting in contravention of subsections 61DA(1A), 61DA(3) and 15(2A) of the IGA. The complaint is valid under Division 1 of Part 3 of the IGA.</p> <p><b>Details of complaint</b></p> <p>The complainant states that the Brownlow Medal Awards ceremony (Brownlow) broadcast by Channel 7 on 18 September 2022, contained a number of advertisements for Sportsbet which included:</p> <ul style="list-style-type: none"> <li>market updates of live prices for the outcome of the Brownlow count.</li> <li>information that customers were not required to place bets via the telephone as they could bet live via the Sportsbet App.</li> </ul> <p><b>The IGA</b></p> <p><i>Prohibited interactive gambling service</i></p> <p>In-play betting, as defined in section 10B of the IGA, is a prohibited interactive gambling service. Section 10B provides that a gambling service is an <i>in-play betting service</i> to the extent to which:</p> <ol style="list-style-type: none"> <li>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</li> <li>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 an event.</li> </ol> <p>There is no definition of sporting event in the IGA.</p> <p>An investigation into this matter will consider whether the Brownlow, or more broadly, other awards relating to sporting events, should be considered as a sporting event in terms of section 10B of the IGA.</p> <p><i>Publication of designated interactive gambling service advertisements in Australia</i></p> <p>Should the investigation find that in-play betting on the Brownlow was a prohibited interactive gambling service, consideration will be given as to whether the broadcast of the advertisements contravened the advertising prohibitions under the IGA.</p>	

## STAFF RECOMMENDATION

Section 21 of the *Interactive Gambling Act 2001* (IGA) provides that the ACMA, on its own initiative or in response to a complaint, may investigate relevant IGA matters if the ACMA thinks it is desirable to do so.

It is recommended that the ACMA investigate the relevant matter because of the following public interest considerations:

- [REDACTED]
- [REDACTED]
- [REDACTED]

### Risk management

Having considered the *ACMA Risk Management Guide*, the operational level risk of investigating this matter is low.

Risk category and key examples	Key risk and consequence	Likelihood	Consequence
<b>Compliance</b> e.g. the consequence may be greater if the matter: <ul style="list-style-type: none"><li>- is of significant public interest</li><li>- may impact on the community at large</li><li>- may be novel and/or have precedent value</li><li>- may concern systemic non-compliance</li><li>- may involve formal enforcement action</li><li>- may raise concerns about the adequacy of the relevant provision or involve policy considerations</li></ul>	[REDACTED]	[REDACTED]	[REDACTED]
<b>Stakeholder management</b> e.g. the consequence may be greater if the matter has, or may develop, strong community, political, media or industry sensitivity because, for example, of the issues raised, the context and/or broader environmental considerations	[REDACTED]	[REDACTED]	[REDACTED]
<b>Regulatory and program delivery outcomes</b> e.g. because of the issues raised, the matter has, or may reveal unintended regulatory outcomes, or may reveal issues with regulatory drafting or enforcement mechanisms	[REDACTED]	[REDACTED]	[REDACTED]

It is anticipated that the investigation findings will be made by:

- ☒ **A delegate**, where the power is delegated in the *Instrument of Delegation*; or
- ☐ **The Authority**; or
- ☐ **Not applicable** (for matters that will not be investigated).

## DECISION WHETHER TO INVESTIGATE MATTER

I, [REDACTED] being at the appropriate level in the *Instrument of Delegation*, and noting the public interest considerations in the *IGA Investigation Manual and Toolkit*, including the matters listed above in the staff recommendation, decide that the matter:

- ☒ **will be investigated under section 21 of the *Interactive Gambling Act 2001*; or**
- ☐ **will not be investigated.**



Date: 10 November 2022

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[Redacted]

Manager, Interactive Gambling Team