

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: FOR CLEARANCE - media inquiry response - Herald Sun - Brownlow [SEC=OFFICIAL]  
**Date:** Friday, 3 February 2023 10:25:15 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.jpg](#)

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Thanks

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**From:** [REDACTED]  
**Sent:** Friday, 3 February 2023 10:23 AM  
**To:** [REDACTED]  
[REDACTED]  
**Subject:** RE: FOR CLEARANCE - media inquiry response - Herald Sun - Brownlow [SEC=OFFICIAL]  
Thanks [REDACTED]  
CSC have confirmed they just had the one complaint from the wagering operator (not a viewer) that was referred to us and we commenced the investigation in response to that complaint.

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**From:** [REDACTED]  
**Sent:** Friday, 3 February 2023 10:14 AM  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: FOR CLEARANCE - media inquiry response - Herald Sun - Brownlow [SEC=OFFICIAL]  
Thanks that looks fine – I assume we are still waiting on confirmation that nothing flagged by CSC?

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**From:** [REDACTED]  
**Sent:** Friday, 3 February 2023 9:57 AM  
**To:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: FOR CLEARANCE - media inquiry response - Herald Sun - Brownlow [SEC=OFFICIAL]  
**Importance:** High

The amended responses are below for your further review.

+++++

Dear [REDACTED]

The ACMA's response to your questions follow:

1) How many viewer complaints did ACMA receive about Sportsbet's bombardment of advertising during Channel 7's coverage?

The ACMA did not receive viewer complaints about Sportsbet's advertising during the Brownlow Medal Count coverage. Our investigation was not commenced in response to viewer complaints.

2) Was Sportsbet liable for a \$8.325m penalty had it contravened the Interactive Gambling Act?

The ACMA adopts a graduated and strategic risk-based approach to compliance and enforcement. When we are of the view that a contravention has occurred, we consider the relevant facts including the seriousness and level of harm in each case to determine the

appropriate action to be taken, if any.

The ACMA has a range of enforcement and disruption options available where there has been a contravention of the *Interactive Gambling Act 2001*. We can issue formal warnings and infringement notices, and apply to the Federal Court or Federal Circuit Court for an injunction or imposition of a civil penalty order. At the time of the investigation, the maximum penalty amount for a contravention of the in-play betting prohibition was AUD\$8,325,000 per day for corporations [note that for offences committed after 1 January 2023 the penalty amount has increased to AUD\$10,312,500 per day for corporations].

3) Did Sportsbet handover documents including how much was wagered on the Brownlow live during the count to ACMA? If so, can these figures be released?

This information was not requested as part of this investigation.

4) Several other bookmakers also offered live in-play app betting during the Brownlow Medal. Would they have also been investigated if Sportsbet had been found in the wrong, or was Sportsbet the only target?

If a contravention had been found, it is likely the ACMA would also consider the provision of similar in-play betting services by other providers.

5) Does ACMA have a view on bookmakers offering gambling markets on which player will poll 3 votes in each game? (Those markets seem highly vulnerable to corruption, given at least four umpires would all know the certain results)

The types of betting markets that can be offered are not within the ACMA's regulatory remit. They are a matter for the relevant state or territory gambling regulator.

6) Does ACMA have any other thoughts or concerns on the betting culture surrounding the Brownlow Medal?

We don't have any further comments

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**From:** [REDACTED]

**Sent:** Friday, 3 February 2023 8:33 AM

**To:** [REDACTED]

[REDACTED]

[REDACTED]

**Subject:** RE: FOR CLEARANCE - media inquiry response - Herald Sun - Brownlow [SEC=OFFICIAL]

Hi [REDACTED]

See my comments below. Substantively, the response to Question 2 needs to be more nuanced. I would like to see the draft again

I will also await confirmation from you on the CSC complaints one way or the other and depending on the answer we will need to settle those words.

Regards,

[REDACTED]

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**From:** [REDACTED]

**Sent:** Thursday, 2 February 2023 3:42 PM

**To:** [REDACTED]

[REDACTED]

**Subject:** FOR CLEARANCE - media inquiry response - Herald Sun - Brownlow [SEC=OFFICIAL]

[REDACTED]  
The proposed response to the SMH inquiry is below.

For question 1 - CIS confirmed they had no viewer complaints specifically about Sportsbet advertising during the Brownlow medal count live broadcast. There was one complaint about the Brownlow Medal broadcast, but the complaint was in regard to the consumption of alcohol at the event and made no reference to gambling. They are confirming with CSC but there's a chance CSC won't be able to provide this data as they might not be able to analyse the complaints received in this level of detail.

Happy to discuss.

EM clearance is due by cob tomorrow.

[REDACTED]  
+++++

Dear Mr Landsberger

The ACMA's response to your questions follow:

1) How many viewer complaints did ACMA receive about Sportsbet's bombardment of advertising during Channel 7's coverage?

The ACMA did not receive viewer complaints about Sportsbet's advertising during the Brownlow Medal Count coverage. Our investigation was not commenced in response to viewer complaints.

2) Was Sportsbet liable for a \$8.325m penalty had it contravened the Interactive Gambling Act?

– This response needs to be more nuanced please – see some suggestions in the below

The ACMA can apply to the Federal Court or Federal Circuit Court for imposition of a civil penalty order if a contravention of the IGA is found. At the time of the investigation, the maximum penalty amount for a contravention of the in-play betting prohibition was AUD\$8,325,000 per day for corporations [note that for offences committed after 1 January 2023 the penalty amount has increased to AUD\$10,312,500 per day for corporations]. The ACMA has a range of options to address contraventions including blah blah blah Decisions about whether to take enforcement action in relation to a particular breach are assessed based on circumstances including (please include some wording in here which also mentions the enforcement policy – I don't want a situation where the journalist assumes that had we found a breach in this particular case it would necessarily have gone straight to application for a civil penalty

The ACMA adopts a graduated and strategic risk-based approach to compliance and enforcement. When we are of the view that a contravention has occurred, we consider the relevant facts including the seriousness and level of harm in each case to determine the appropriate action to be taken, if any.

Under the IGA, the ACMA has a range of enforcement and disruption options available for such contraventions. We can issue formal warnings and infringement notices, and apply to the Federal Court or Federal Circuit Court for an injunction or imposition of a civil penalty order. At the time of the investigation, the maximum penalty amount for a contravention of the in-play betting prohibition was AUD\$8,325,000 per day for corporations [note that for offences committed after 1 January 2023 the penalty amount has increased to AUD\$10,312,500 per day for corporations].

3) Did Sportsbet handover documents including how much was wagered on the Brownlow live during the count to ACMA? If so, can these figures be released?

This information was not requested as part of this ~~ACMA did not request Sportsbet provide this~~

investigation.

4) Several other bookmakers also offered live in-play app betting during the Brownlow Medal. Would they have also been investigated if Sportsbet had been found in the wrong, or was Sportsbet the only target?

If a contravention had been found, it is likely the ACMA would also consider the provision of similar in-play betting services by other providers.

5) Does ACMA have a view on bookmakers offering gambling markets on which player will poll 3 votes in each game? (Those markets seem highly vulnerable to corruption, given at least four umpires would all know the certain results)

The types of betting markets that can be offered are not within the ACMA's regulatory remit. They are a matter for the relevant state or territory gambling regulator.

6) Does ACMA have any other thoughts or concerns on the betting culture surrounding the Brownlow Medal?

We don't have any further comments

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**From:** Media ACMA <[Media@acma.gov.au](mailto:Media@acma.gov.au)>

**Sent:** Wednesday, 1 February 2023 1:39 PM

**To:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Herald Sun - Brownlow [SEC=OFFICIAL]

Hi [REDACTED]

The Herald Sun is asking about the Brownlow investigation.

Could you please clear a response up to EM level and send it back to me?

I would suggest working towards a deadline of COB Friday.

Happy to discuss

[REDACTED]

[REDACTED]

Media Advisor  
Media and Communications

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**Australian Communications and Media Authority**

[REDACTED]

[REDACTED]

[acma.gov.au](http://acma.gov.au)



*The ACMA acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, culture and community. We pay our respects to Elders past, present and future.*

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**From:** [REDACTED] >

**Sent:** Wednesday, 1 February 2023 11:47 AM

**To:** Media ACMA <[Media@acma.gov.au](mailto:Media@acma.gov.au)>

**Subject:** Brownlow Medal investigation

Hi,

My name is [REDACTED], a sports journalist for the Herald Sun (News Corp).

I'm writing a story regarding the betting activity on last year's Brownlow Medal and was hoping to please ask a couple of questions on the back of ACMA's investigation into Sportsbet's live betting during the vote count.

- 1) How many viewer complaints did ACMA receive about Sportsbet's bombardment of advertising during Channel 7's coverage?
- 2) Was Sportsbet liable for a \$8.325m penalty had it contravened the Interactive Gambling Act?
- 3) Did Sportsbet handover documents including how much was wagered on the Brownlow live during the count to ACMA? If so, can these figures be released?
- 4) Several other bookmakers also offered live in-play app betting during the Brownlow Medal. Would they have also been investigated if Sportsbet had been found in the wrong, or was Sportsbet the only target?
- 5) Does ACMA have a view on bookmakers offering gambling markets on which player will poll 3 votes in each game? (Those markets seem highly vulnerable to corruption, given at least four umpires would all know the certain results)
- 6) Does ACMA have any other thoughts or concerns on the betting culture surrounding the Brownlow Medal?

There is no urgency for answers on these questions as I am likely to write the story early next week. I'm on [REDACTED] if you wish to get in touch.

Cheers,

[REDACTED]  
[REDACTED]

[REDACTED]  
Sports Reporter



HWT Tower 40 City Road Southbank VIC 3006

T [REDACTED] [REDACTED]  
[REDACTED] [www.heraldsun.com.au](http://www.heraldsun.com.au)





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