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Triple lock exception guidance

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Introduction

On 26 August 2026, the Parliament of Australia enacted the *Interactive Gambling Amendment (Gambling Reform) Act 2026* (Gambling Reform Act), which introduces a new Part 7C containing restrictions on wagering advertising into the *Interactive Gambling Act 2001* (Interactive Gambling Act), commencing on 1 January 2027.

From 1 January 2027, sections 62P and 62Q of the Interactive Gambling Act will prohibit online content service providers from providing wagering advertising content on their online content services, and from delivering such content to restricted users.

Section 62H of the Interactive Gambling Act provides the meaning of a restricted user as an individual in Australia who either:

- is under 18 years of age
- has not confirmed their age
- is not using a registered account in relation to the online content service (that is, the individual must be logged-in)
- has opted out from accessing or receiving wagering advertising content provided on the online content service, whether through a provider's opt-out mechanism or the Wagering Advertising Opt-Out Register (the register) (once commenced).

However, the prohibition in subsection 62P(1) will not apply if the online content service provider takes reasonable steps to:

- prevent restricted users from accessing or receiving such content; and
- ensure that individuals receiving such content are doing so using a registered account in relation to the service; and
- ensure that individuals with a registered account may opt out of receiving such content.

This is referred to in this guidance as the triple lock exception.

The prohibition in subsection 62Q(1) will also not apply if the online content service provider takes reasonable steps to prevent restricted users from accessing or receiving such content (that is, the first limb in the triple lock exception).

Online content service providers seeking to rely on the triple lock exception must have an opt-out system in place from 1 January 2027 and must comply with the additional register obligations when they commence.

Online content service providers that do not have an opt-out system in place from 1 January 2027 will not meet the triple lock exception and, as such, will not be able to provide wagering advertising content on their service until they meet the requirements of this or other relevant exceptions.

Wagering Advertising Opt-Out Register

When the register begins operation[1] – in addition to having an opt-out system – online content service providers must take reasonable steps to ensure that individuals are aware of both their service-specific opt-out system and the register under section 62S in order to rely on the triple lock exception.

Online content service providers will also need to confirm, at least every 14 days or any other period prescribed by the register rules, that the register does not contain the contact details of any person to whom wagering advertising content would otherwise be delivered or accessed on their respective online content services. Providers seeking to rely on the exception should also notify the Australian Communications and Media Authority (ACMA) so they can be kept directly informed about the development of the register.

This guidance

The ACMA has produced this guidance to assist online content service providers that decide to provide wagering advertising on their services after 1 January 2027. As these providers will be relying on the triple lock exception set out in subsection 62P(2) of the Interactive Gambling Act, this guidance will assist them to better identify the reasonable steps they might take in relying on that exception, and the ACMA's approach in considering whether those steps were reasonable. Formal guidance about the operation of Part 7C generally may be made under section 62ZF of the Interactive Gambling Act at a later date.

The ACMA will also have the power under subsection 62P(4) of the Interactive Gambling Act to make a legislative instrument specifying requirements for the triple lock exception. The ACMA has not decided whether a legislative instrument is required at this stage.

In the meantime, this initial guidance is intended to help online content service providers prepare for the commencement of the legislation by understanding the steps they may take if they want to rely on the triple lock exception. Providers are encouraged to take a risk-based approach, including conducting and documenting a robust risk assessment, to inform their systems, processes and procedures.

This guidance does not constitute legal advice, is not exhaustive and does not impact the scope and application of the relevant legislative obligations. Online content service providers are responsible for conducting their own legal assessments, including consideration of their obligations under the Interactive Gambling Act, the *Privacy Act 1988* (Cth) (the Privacy Act) and any other applicable legislation or legislative instrument. Online content service providers should seek and obtain independent legal advice in relation to their legal obligations.

This guidance should be read alongside the Interactive Gambling Act, the revised explanatory memorandum to the *Interactive Gambling Amendment (Gambling Reform) Bill 2026* (the explanatory memorandum) and the ACMA's Compliance and Enforcement Policy and Regulatory Guides. The Office of the Australian Information Commissioner (OAIC) has also issued guidance for Australian Privacy Principle (APP) entities under the Privacy Act considering implementing age-assurance systems that collect, use or disclose personal information. The aim of the guidance is to assist APP entities to comply with their privacy

[1] The Wagering Advertising Opt-out Register, to be included in new Part 7E, will commence on a future date yet to be proclaimed by the Minister.

obligations and support entities and third-party vendors to understand the privacy impacts associated with choosing and implementing different age-assurance systems.

Online content service providers that wish to rely on the triple lock exception from 1 January 2027 must be compliant with the associated obligations. Otherwise, online content service providers must not deliver wagering advertising content to any of their users from the commencement of Part 7C of the Interactive Gambling Act, unless another relevant exception applies.

This guidance will be reviewed and updated, as needed, and will be informed by research, matters raised in complaints, investigation findings and other relevant information about developments in the technological and regulatory landscape. This guidance will be updated to address the reasonable steps that providers must take in relation to the register when the register starts.

As appropriate and to support regulatory consistency and coherence, this guidance is broadly aligned with other relevant regulatory guidance, for example with respect to expectations about age assurance methods. In particular, the ACMA notes that the reasonable steps obligations in the Interactive Gambling Act as they relate to age assurance are intended to be aligned with the reasonable steps obligations in Part 4A of the *Online Safety Act 2021*, which sets out the social media minimum age (SMMA) obligation. We acknowledge that services that may seek to rely on the triple lock exception may also be subject to the Online Safety Act and may be required to comply with the SMMA obligation and industry codes or standards, such as the Age-Restricted Material Codes.

There are differences between the requirements of the Interactive Gambling Act and those set out under other legislation. This guidance will, therefore, differ in parts from other guidance. In particular, a key distinction between the Interactive Gambling Act and the Online Safety Act is the framing of triple lock measures as an exception to the primary obligation in subsection 62P(1), which prohibits wagering advertising content on online content services (and the framing of the first limb as an exception to the primary obligation in subsection 62Q(1), which prohibits the delivery of such content to restricted users). Unlike the SMMA obligation and Age-Restricted Material Codes, the Interactive Gambling Act does not oblige online content service providers to implement measures including age assurance. Rather, it creates an exception based on implementing additional safeguards for online content service providers that choose to provide wagering advertising content to end users of their service.

Who plays what role

The ACMA is responsible for:

- monitoring and enforcing compliance with wagering advertising regulations, including assessing complaints about potential non-compliance and conducting investigations
- issuing guidelines, making legislative instruments and providing advice to the Minister in accordance with relevant powers provided under the Interactive Gambling Act
- keeping (or arranging for a body corporate to keep) the register and making the rules associated with the register.

Independently of the ACMA, the OAIC has an important role in monitoring and enforcing compliance with Privacy Act requirements in the context of the Interactive Gambling Act.

The OAIC is responsible for:

- considering complaints under the Privacy Act that are triggered if an ‘interference with the privacy of an individual’ occurs as a result of the improper use or disclosure of information collected for the purpose of satisfying the ‘first limb’ of the triple lock exception, in relation to preventing restricted users from accessing or receiving wagering advertising content (see section 62U of the Interactive Gambling Act)
- making sure online content service providers and others follow the Privacy Act and other laws when handling personal information, including sensitive information. This can involve conducting investigations in response to complaints.

Legislative provisions and definitions

Prohibition on wagering advertising content and the triple lock exception

Subsections 62P(1) and 62Q(1) of the Interactive Gambling Act prohibit in Australia providing wagering advertising content on online content services and providing that wagering advertising content to individual restricted users, respectively.

However, under subsection 62P(2), the prohibition on providing wagering advertising content on a service does not apply if the online content service provider takes reasonable steps to:

- prevent restricted users from accessing or receiving wagering advertising content; and
- ensure that individuals in Australia accessing or receiving wagering advertising content are doing so using a registered account in relation to the online content service; and
- ensure that individuals in Australia with a registered account in relation to the online content service may opt out of accessing or receiving wagering advertising content.

Similarly, subsection 62Q(2) provides that the prohibition on providing wagering advertising content to a restricted user does not apply if the online content service provider has taken reasonable steps to prevent restricted users from accessing or receiving wagering advertising content.

What is wagering advertising content?

Wagering advertising content means any advertising, sponsorship or promotional content that relates to a licensed interactive wagering service.

Subsection 62C(2) provides that any content that relates to a licensed interactive wagering service is taken to be wagering advertising content if it has the purpose or effect of, promoting the licensed interactive wagering service and is by, on behalf of or for the benefit of the licensed interactive wagering service provider (LIWSP).

The term ‘for the benefit of’ in paragraph 62C(2)(b) is intended to exclude private communications about wagering services between individuals, discussions on chat forums about wagering services and other similar user-generated content (where there is no involvement with a LIWSP). Similarly, it does not capture advertising content that includes incidental wagering advertising content, such as advertising a horse-racing event that is sponsored by a LIWSP or advertising a venue that offers wagering services.

Subsection 62C(5) creates an exception to the definition, where content is taken not to be wagering advertising content if section 62D applies in relation to it. This might include content:

- relating solely to government or political matters
- appearing as part of ordinary business matters, such as on invoices, online profiles or internal management and staffing arrangements

- shown in premises that are owned or occupied by a LIWSP and not used in conjunction with a live sporting event (unless the premises is associated with a place-based gambling service as defined in section 8BA)
- discouraging the use of wagering services.

Does it include 'in-program' content?

Yes, all content that is advertising, sponsorship or promotional content that relates to a licensed interactive wagering service is considered to be 'wagering advertising content' unless a specific exemption applies.

Does it include 'unpaid' content?

Yes, wagering advertising content may include content where no financial payment has been made or other consideration has been provided for the promotion of the LIWSP unless the general exception for accidental conduct in section 62ZB applies. The definition does not turn on whether content has been paid for but, rather, whether it is 'by, on behalf of or for the benefit of' an LIWSP. The revised explanatory memorandum notes that the term 'for the benefit of' in paragraph 62C(2)(b) is intended to exclude private communications about wagering services between individuals, discussions on chat forums about wagering services, and other similar user-generated content (where there is no involvement with a licensed interactive wagering service provider).

For example, if an individual talks about the prospects of their football team winning on their social media page with reference to LIWSP A and LIWSP B and there was no involvement from either LIWSP, it is unlikely to be for the benefit of a LIWSP. In this example it would not matter whether an LIWSP had not paid for the discussion during the online content about the LIWSP company. Depending on whether the discussion was 'by, on behalf of, or for the benefit of an LIWSP', it may still be wagering advertising content as defined in the legislation. However, if it were user-generated content where there was no involvement with a LIWSP, then it is unlikely to be wagering advertising content.

What is an online content service?

An online content service is defined in subsection 10C(1) to mean a service that satisfies both of the following conditions:

(a) the service is:

(i) a service that delivers content to persons having equipment appropriate for receiving that content, where the delivery of the service is by means of an internet carriage service; or

(ii) a service that allows end-users to access content using an internet carriage service; and

(b) the service is provided to the public (whether on payment of a fee or otherwise).

Within the meaning of the Online Safety Act, each of the following are taken to be an online content service:

- an on-demand program service, such as a subscription on demand service (SVOD) or broadcasting video on demand service (BVOD)
- a social media service

- a relevant electronic service, such as communication tools like emails, text messages and chat rooms, as well as online multiplayer video games
- a designated internet service, such as any website or app that lets users access or receive online material via the internet, provided it is not already classified as a social media, messaging or gaming service.[2]

When is content provided in Australia?

A service is not an online content service if none of the content on the service is accessible or delivered to one or more end-users in Australia.[3]

End-user in this context has its ordinary meaning. This is intended to have the broadest reach of coverage capturing Australian end users.

Does every online service provider have to implement triple lock measures if they want to provide wagering advertising content?

There are a range of exceptions in the Interactive Gambling Act that may mean an online content service provider may be able to provide some wagering advertising content, even if they have not implemented triple lock measures. Whether these exceptions are available to an online content service provider depends on the circumstances of the online content service provider. Possible exceptions include simulcast content and dedicated wagering or racing services and content.

Simulcast content

Subsection 62P(1) does not apply to the extent that the online content service includes the provision of an online radio simulcast service or an online television simulcast service, if a notice is in force under section 62SB in relation to the simulcast service.

Online content services providing either online radio or online television simulcast services will be able to give notice to the ACMA that the service will follow the alternative treatment prescribed in Division 3A. To assist audiences and other stakeholders in understanding where broadcast rules may apply to online services, the ACMA is proposing to publish a list of services or parts of services for which a notice has been provided to the ACMA. Under 62SB(4), the provider of the online simulcast services is also required to notify potential end-users that Division 3A will apply to the online simulcast services before the arrangements commence.

Dedicated wagering or racing services and content

The Interactive Gambling Act contains exceptions for advertising content provided on online services dedicated to racing or wagering. Online content services dedicated to racing or wagering may display wagering advertising content without needing to satisfy the reasonable steps obligations at both 62P(2) and 62Q(2). This means that a dedicated racing or wagering online content service may display wagering advertising content without implementing the triple lock arrangements. This applies at a service level only and includes a website or app of a licensed interactive wagering service provider or a website or app that is wholly or principally dedicated to wagering or wholly or principally provides racing content.

[2] See subsection 10C(2) of the Interactive Gambling Act
[3] See subsection 10C(5) of the Interactive Gambling Act

For clarity, the exception does not apply to social media profiles or pages of racing or wagering companies or organisations on a social media service, as these profiles or pages do not fall into the meaning of an online content service.

Steps providers may take to prevent restricted users from accessing or receiving wagering advertising content

What is a restricted user?

Section 62H of the Interactive Gambling Act provides the meaning of restricted user. This section defines a restricted user as an individual in Australia who either:

- is under 18 years of age
- has not confirmed their age
- is not using a registered account in relation to the online content service (that is, the individual must be logged-in)
- has opted out from accessing or receiving wagering advertising content provided on the online content service whether through a provider's opt-out mechanism or the register (once commenced).

What steps could a provider take to identify whether a user is under 18 or has not confirmed their age?

The practical effect of paragraphs 62H(a) and (b) is that online content service providers will need to take reasonable steps to identify users who are under 18 years of age and identify users who have not confirmed their age, in order to take reasonable steps to prevent those users from accessing or receiving wagering advertising content.

The explanatory memorandum states that in seeking to use the triple lock exception, an online content service provider will be required to implement age assurance to assess the age of users of their service in Australia. This may also be relevant to an online content service provider relying on the 'first limb' for the purposes of subsection 62Q(2).

Age assurance encompasses a range of methods for estimating, verifying or inferring the age or age range of users online.

Age-assurance systems refer to systems that use one or more age assurance methods to provide a relying party with the necessary information to make an age-related eligibility decision.

An age-assurance method means the technology or process used to establish an age-assurance result (information indicating that a person is a certain age, over or under a certain age or within a certain age range).

Age-assurance methods include:

- age inference, which uses information, other than a date of birth, that indirectly implies that an individual is over or under a certain age or within an age range
- age estimation, which analyses biological or behavioural features of humans that vary with age
- age verification, which calculates the difference between a verified year or date of birth of an individual and a subsequent date.

There are a range of other measures and processes that relate to age assurance. These include:

- self-declaration – a method where an end-user enters their own date of birth or age
- vouching – a method used to confirm a person's age where a trusted entity with an existing relationship to the person vouches for that person
- parental attestation or consent – a mechanism that enables a parent or legal guardian to provide or revoke permission for a child
- parental controls – a set of tools or settings that allow parents or guardians to manage, restrict or monitor a child's access to digital content, services or device functions
- interoperable models – where different systems have the capacity to transfer trusted age signals or credentials across platforms, services or devices without re-verifying the end-user.

Generally, providers are encouraged to take a successive validation approach (also sometimes called a layered, waterfall or step-up approach) using multiple independent age-assurance methods sequentially to establish an age-assurance result.

Choosing an age-assurance method or methods

Online content service providers are encouraged to consider the existing information, such as International Standard on Age Assurance systems (ISO/IEC 27566-1:2025)[4], to understand the range of existing and emerging age assurance technologies on offer in the current market. Online content service providers should make their own determination about which method(s) or third-party vendor(s) they use, including considering their readiness for deployment in the Australian context, their strengths and weaknesses and opportunities for improvement. Providers are also encouraged to consider relevant accreditation schemes and emerging best practice and technologies to inform their determination.

Government-issued identification

For the avoidance of doubt, new section 62T requires that online content service providers must offer a reasonable alternative to government identification for the purposes of age assurance. The effect of this provision is that no Australian will be forced to use government identification (including Digital ID) for age assurance. Equally, no online content service provider is required to collect government identification for the purposes of age assurance (although it may form one (but cannot be the only one) of the forms of age assurance that a provider may use).

Age assurance and existing accounts

Many services will already be account-based and may already have a large number of users with accounts, and those accounts may have been aged assured for other purposes, including compliance with the SMMA obligation.

It is open to providers to use existing age assurance mechanisms already in use on their platforms, as long as those mechanisms would also satisfy the requirement to take reasonable steps in order to rely on the triple lock exception in the Interactive Gambling Act. However, online content service providers should seek their own advice about whether their

[4] https://www.iso.org/standard/88143.html

use of previously collected information is able to be used for the purposes of the triple lock exception and whether such use would meet their obligations under the Privacy Act.

What steps could a provider take to ensure an end user is using a registered account in relation to the online content service?

The second limb of the triple lock exception requires online content service providers to take reasonable steps to ensure that individuals in Australia accessing or receiving wagering advertising content are doing so using a registered account in relation to the service.

In practice, the effect of paragraph 62P(2)(b) is that online content service providers will need to take reasonable steps to require users to establish an account (if they do not already have one) and to use it (for example, to be logged into it), in order to access any content where wagering advertising content may appear.

The Interactive Gambling Act does not prescribe how online content service providers should implement account-based access controls. This will be a matter for individual service providers to determine. Usually, account registration or account authentication processes include 3 primary steps:

- recognition – users establish how they will be recognised by the online content service (typically through a username, phone number or email address) or a previously established recognition method. This step should reflect that users have the option of dealing anonymously or by pseudonym with the provider
- authentication – users then create or enter a password (something only known to the user). Many providers also require multi-factor authentication, for example additional proof with a code sent to a registered email address or mobile phone number or using a fingerprint or face scan
- authorisation – the system verifies that the users have permission to access the online content service.

Online content service providers have options for how registered accounts are applied across their service. Options include:

- a global gate, where users cannot access any content on the service before signing up to the service or logging into their account
- a feature gate that allows any user to access some publicly available content on the service, while other content is restricted and only accessible once a user creates an account or logs into their account.

If online content service providers choose a feature gate, wagering advertising can only be shown on that part of the service that is accessible once a user creates an account or logs into their account (and if the other parts of the triple lock exception are met).

Example 1

Fictitious online content service provider SportyStream provides a website featuring sports highlights content that includes advertising. SportyStream's key demographics are children and young men aged 15 to 34. SportyStream implements a feature gate approach to its website. It offers a weekly game in every sport it offers on a public part of its website that does not require a user to log in. There is a requirement to log in to see its other content. Information including the weekly games on its public website cannot contain wagering advertising content.

What steps could a provider take to ensure an individual with a registered account may opt-out from accessing or receiving wagering advertising content on the online content service?

In order to comply with paragraph 62P(2)(c), an online content service provider would need to take reasonable steps to offer users with a registered account in relation to the service, a mechanism or mechanisms to ensure that the user may opt out of accessing or receiving wagering advertising content (that is, tools and settings that allow users to not receive wagering advertising content on the service).

The ACMA also notes that this requirement is account-based rather than device-based. This reflects the fact that many users access their online content services accounts across multiple devices including mobile phones, tablets, smart TVs and computers.

The mechanism that a service offers to users will be contextually dependent, including the circumstances of the provider, the nature of the service and the typical user-base.

Considerations when assessing reasonable steps

Existing guidance in the legislation and other general considerations

Consistent with the ACMA's general approach to compliance and enforcement, we will use a proportionate, risk-based approach to regulating industry compliance. In this context, when assessing if a provider has taken reasonable steps, the ACMA will take a wholistic approach.

There is no one-size-fits-all approach for what constitutes taking reasonable steps. The reasonable steps that an online content service provider could take will be contextually dependent and may differ between online content service providers.

Subsection 62P(3) of the Interactive Gambling Act states that, without limiting what constitutes taking reasonable steps for the purposes of the triple lock exception, taking reasonable steps in relation to a matter includes:

- having appropriate governance, control and risk management in relation to that matter
- where technology is used in relation to that matter, ensuring the technology is appropriate, reliable, accessible, inclusive and functional
- having appropriate procedures for identifying and remediating problems that arise or may arise in relation to that matter.

Section 62S also provides additional guidance on the reasonable steps a provider must take in relation to its opt-out mechanism or mechanisms. These are discussed in more detail below.

In addition to the matters set out at subsection 62P(3), relevant considerations that the ACMA is likely to take into account include the provider's:

- size
- risk profile
- resources
- nature and circumstances.

For example, the reasonable steps expected of an online content service provider that operates a service with millions of users, including a large child-user base, may be different to those of the provider of a service with a limited, mainly adult user base.

In line with the considerations and the matters set out at section 62P(3), online content service providers should ensure that where they are seeking to rely on the triple lock exception, they undertake proactive and ongoing action to identify and assess risks related to their decision to provide wagering advertising on their service by relying on the triple lock exception. Given that online content service providers bear the evidential burden in relation to the triple lock exception, they should ensure they have undertaken and documented a risk assessment process to:

- identify reasonably foreseeable risks, the material or conduct that gives risk to those risks, the design features of the service that give rise to those risks, other systems and processes that give rise to those risks
- identify persons who may be affected by those risks
- assessed the likelihood and potential severity of those risks
- document the measures they have implemented or propose to implement to mitigate those risks
- record the provider's assessment of the expected effectiveness of those measures, the basis for that assessment, the period for which the measures are expected to be effective, and the period for which the measures are expected to be in place.

Steps will also not be reasonable unless providers also comply with their information and privacy obligations under Division 4 of the Interactive Gambling Act, as well as the Privacy Act and the APPs regulated by the OAIC.

On-going reasonableness

The ACMA expects that the measures undertaken by online content service providers to meet the triple lock exception will not be static. We also envisage that online content service providers will regularly review and update their measures, including (but not limited to) when the ACMA updates this guidance, a relevant legislative instrument is made or the ACMA publishes the outcomes of investigations into alleged breaches of the new rule.

Considerations in assessing the reasonableness of mechanisms to prevent restricted users from accessing or receiving wagering advertising content (age assurance)

In assessing the reasonableness of mechanisms to prevent restricted users from accessing or receiving wagering advertising content, and taking into account the circumstances of the online content service provider, the ACMA would likely have regard to:

- the suite of methods available
- the relative efficacy of the method/methods chosen
- the practical implications of implementing the age assurance measure, including time and cost
- data and privacy implications for users
- the risk profile of the online content service.

The ACMA also notes that the steps that may be reasonable in relation to age assurance for existing user accounts may not be reasonable at account creation. For example, age inference models generally require an end-user to engage with a platform for an extended period before an online content service provider would have sufficient information or data to infer that an individual is over or under a certain age or within a specific age range.

The ACMA also notes that some online content services allow account holders to establish dedicated profiles. Where an account on a content service has a profile functionality, the ACMA expects that no wagering advertising content is displayed or is accessible on a 'kids' profile.

Example 1

Fictitious online content service provider StreamOZ provides a mixture of live and on-demand audio-visual content including Australian news. StreamOz has been in the Australian market for 5 years and has a million existing Australian users. It provides an SVOD service. Users can select its ad-supported package for a fee, as well as other packages that do not contain ads. When existing users created their accounts, they were asked to confirm their age via a self-declaration process that asked for their month and year of birth, as well as being asked to provide a credit card to facilitate payment.

After 1 January 2027, StreamOz, having conducted a risk assessment of its service in relation to the triple lock exception and having reviewed its obligations under the Privacy Act, seeks consent from its existing users to use their existing information for the purposes of checking their age. Where that consent has been obtained, StreamOz then checks the registered account against the credit card details to confirm the account holder is over 18 years of age. StreamOz's risk profile (including its size, the demographics of its existing and potential user base, the extent and sufficiency of the information it has about its users,) along with the suite of methods available to it, the relative efficacy of the method chosen, the practical implications of implementing the age assurance measure, including time and cost and data and privacy implications for users would all be factors the ACMA would consider in assessing whether StreamOz had taken reasonable steps to identify whether users or potential users are under 18 years of age or have not confirmed their age.

Example 2

Fictitious online content service provider SportyStream provides a website featuring sports highlights content which includes advertising. SportyStream has 6 million Australian users and its key user demographics are children and young men aged 15 to 34. When existing users created their accounts, they were asked to confirm their age via a self-declaration process that asked for their year of birth.

After 1 January 2027, SportyStream does not undertake a risk assessment in relation to the triple lock exemption or implement any additional age assurance processes for new or existing accounts. SportyStream's risk profile (including its size, the demographics of its existing and potential user base, the extent and sufficiency of the information it has about its users,) along with the suite of methods available to it, the relative efficacy of the method/methods chosen, the practical implications of implementing the age assurance measure, including time and cost and data and privacy implications for users would all be factors the ACMA would consider in assessing whether SportyStream had taken reasonable steps to identify whether users or potential users are under 18 years of age or have not confirmed their age.

Example 3:

Fictitious online content service provider GoldieStream provides a website where users can stream music content exclusively from the 1920s, 1930s and 1940s that includes advertising. GoldieStream has 5000 Australian users and its key user demographics are people aged between 60 and 80 years. When existing users created their accounts, they were asked to confirm their age via a self-declaration process that asked for their year and month of birth. GoldieStream's risk profile (including its size, the demographics of its existing and potential user base, the extent and sufficiency of the information it has about its users,) along with the suite of methods available to it, the relative efficacy of the method chosen, the practical implications of implementing the age assurance measure, including time and cost and data and privacy implications for users would all be factors the ACMA would consider in assessing

whether GoldieStream had taken reasonable steps to identify whether users or potential users are under 18 years of age or have not confirmed their age.

Considerations in assessing the reasonableness of mechanisms to prevent restricted users from accessing or receiving wagering advertising content (registered account use)

In assessing whether the steps a provider has taken to ensure that a user is using a registered account in relation to the online content service, are reasonable, and taking into account the circumstances of the online content service provider, the ACMA would also likely have regard to:

- existing practices of the online content service provider in relation to accounts (if any)
- relevant security standards
- whether there are appropriate procedures for requiring reauthentication or addressing idle activity time (for example, requiring logging in after a longer period of not using the service)
- data and privacy implications on users.

Example

Fictitious online content service provider CatchyTune provides on-demand audio content including podcasts, audiobooks and music. CatchyTune has been in the Australian market for 2 years and has 8 million existing Australian users. CatchyTune is a paid service and all users can only access the service when logged in using their registered account. Depending on the device they use, existing Australian users can login to their account using their individual user credentials (email address/username/phone number and password) or a third-party provider (Google, Apple, Facebook).

An existing user opens the CatchyTune website on their desktop. They are asked to provide their username and password. They enter both credentials correctly. The CatchyTune server verifies the credentials and creates a unique session ID or token. The user's browser saves this session identifier and for every new page or action, the browser automatically sends the session token back to the server. The server checks the token against its active records to confirm continuity and grant access to the CatchyTune service. Based on this process, the end-user is likely to be using a registered account to access CatchyTune.

Considerations in assessing the reasonableness of mechanisms to prevent restricted users from accessing or receiving wagering advertising content (offering an opt-out mechanism)

Section 62S specifies that in relation to the requirement to take reasonable steps to ensure that individuals may opt out of accessing or receiving wagering advertising content, an online content service provider must provide a mechanism that is:

- clear
- simple
- effective
- easily accessible.

Additionally, display information on the online content service about the means to opt out in a way that is prominent to individuals using the service.

Some online content service providers provide content on devices where it may be difficult, due to practical or technological constraints, to offer the opt-out functionality on the device. In these instances, it will be sufficient that an opt-out mechanism is offered to users in the same way that they created their account. However, the online content service provider will still need to provide information on the online content service about the means to opt out in a way that is prominent to individuals using the service.

The exact mechanism(s) that online content providers choose to offer to allow users with a registered account to opt out of wagering advertising content provided on the online content service may differ.

Factors that are likely to be considered in establishing whether an opt-out mechanism is reasonable include whether the mechanism:

- is visible, with a clear and easily understood explanation of how to opt out. For example, instructions written clearly and in a font size that is easy to read. Information should use the terms 'gambling advertising' or 'wagering advertising' and should clearly indicate what the opt out is for (including what types of advertising will no longer be received and what types of advertising will still be received). An opt out mechanism that is hidden away in fine print, or lengthy policies or that require multiple click-throughs to find, would not be considered reasonable.
- clearly and simply explains to users when (if ever) they may continue to encounter wagering advertising content on the service (e.g. if the service has given notice to the ACMA that the service will follow the alternative treatment prescribed in Division 3A)
- requires minimal time and effort such as providing a direct link to the place where a user can opt out in communications rather than requiring multiple click throughs to the opt out functionality.
- is not bundled with other purposes, or does not require users to opt in to other types of advertising
- is free, or does not involve more than a nominal cost for the user, such as the costs of a text message
- effectively opts users out of all wagering advertising content including in-program references
- is clear about the amount of time between opting out and the time a user can expect to stop receiving or accessing ads. To be considered reasonable, the timeframe should be the minimum time that is practicable and aligned with the timeframe for other similar actions
- has the same or a greater degree of prominence as other messages that the service delivers to users
- has been tested by providers in the Australian context, including by looking at different demographics within Australia and whether the mechanism is accessible, inclusive and fair for these demographics. Effectiveness should be evaluated and recorded across different cohorts, with an aim to minimise bias and improve consistency in results over time
- is not set and forget. The provider should actively remind the user at least annually of the opt-out functionality through a direct communication.

Example 1

Fictitious online content service provider SeaGlass is a social media service that includes advertising. SeaGlass has 10 million existing Australian users. On 1 January 2027, an

existing user of SeaGlass opens the SeaGlass app. Before they can see their usual feed, a pop-up notification appears alerting the user to the fact that they can now opt out of wagering advertising. The notification includes a step-by-step guide to how to opt out and a direct link to the user's account settings where there is an advertising settings menu. When they enter the advertising settings menu, they can toggle on or off an option that says, 'I don't want to see wagering advertising'. SeaGlass also has information in the help section of its website about how to access and use the opt-out function. The information on the website is clear, simple and easily accessible.

Based on these steps, it is likely that SeaGlass would be considered to have fulfilled many of the factors the ACMA is likely to consider in assessing whether a provider has taken reasonable steps to ensure that an existing user with a registered account may opt out of accessing or receiving wagering advertising content (assuming that the mechanism was otherwise clear, simple, effective and easily accessible).

Example 2

Fictitious online content service provider OzSportOnline provides a website featuring sports highlights content that includes advertising. On 1 January 2027, OzSportOnline emails all its registered users, providing a direct website link to how they can opt out of wagering advertising on their website. The website link enables users to opt out with only one click. OzSportOnline also has a banner on the homepage of its website providing a link to more information about how to opt out of wagering advertising.

Based on these steps, it is likely that OzSportOnline would be considered to have fulfilled many of the factors the ACMA is likely to consider in assessing whether a provider has taken reasonable steps to ensure that an existing user with a registered account may opt out of accessing or receiving wagering advertising content (assuming that the mechanism was otherwise clear, simple, effective and easily accessible).

Example 3

Fictitious online content service provider NewsproviderinAUS provides a speciality news website for Australians. The website allows audiences to sign into an account that allows them to access additional columns and videos for a variety of subjects. When existing users created their accounts, they were asked to confirm their age via a self-declaration process that asked for their year of birth.

NewsproviderinAUS hosts a range of sporting related programs that include in-program wagering advertising. NewsproviderinAUS decides to continue to host wagering advertisements and implements mechanisms in order to rely on the triple lock exception. NewsproviderinAUS has a commercial arrangement with hostingcompanyK, who handles the uploading of content onto NewsproviderinAUS and the placement of advertising. The agreement requires hostingcompanyK to implement robust systems and processes so wagering advertising content is not included in any content uploaded onto the NewsproviderinAUS service. HostingcompanyK requires uploaders to explicitly flag programs with in-program wagering advertising content and provides the option of uploading content with this content removed. HostingcompanyK also requires uploaders to verify that content uploaded does not contain wagering advertising content. NewsproviderinAUS also implements a back-end flagging system that does not display programs with wagering advertisements to users who have opted out.

Based on these steps, it is likely that NewsproviderinAUS would be considered to have fulfilled many of the factors the ACMA is likely to consider in assessing whether a provider has taken reasonable steps to ensure that an existing user with a registered account may opt out of accessing or receiving wagering advertising content (assuming that the mechanism was otherwise clear, simple, effective and easily accessible).

Record-keeping

Section 62ZD imposes record-keeping obligations on regulated entities, which includes both online content service providers and licensed interactive wagering service providers to support compliance with Part 7C of the Interactive Gambling Act.

Online content service providers must retain sufficient records for 12 months after the relevant wagering advertising content is displayed to enable compliance with Part 7C to be assessed. Section 22A also allows the ACMA to seek information and documents to monitor compliance with Part 7C.

Providers seeking to rely on the triple lock exception will need to have sufficient records to ensure they can demonstrate how they are taking reasonable steps in circumstances of their service and their end-users.

Providers should retain an appropriate amount of detail to assist the ACMA to assess the effectiveness of the measures, whilst ensuring compliance with relevant privacy legislation. The ACMA expects online content service providers seeking to rely on the triple lock exception to implement appropriate systems, controls and record keeping arrangements to demonstrate compliance.

Online content service providers seeking to rely on the measures and steps they have taken to comply with the SMMA obligation should implement effective record-keeping practices to provide transparent information that explains the measures they implement to comply with the SMMA obligation and monitor the effectiveness of those measures.

However, in addition to the record-keeping practices required in relation to the SMMA obligation, the ACMA may require information about individual end-users, where it is necessary to demonstrate the taking of reasonable steps. This data may include information about:

- an end-user’s unique age assurance checks or outcomes
- login data or login attempts
- the offering and use of opt-out mechanisms
- an end-user’s advertising impressions.

Additionally, providers should be prepared to report on the systems, processes, tools and technologies they implement to comply with the triple lock exception. This may include information about:

- the governance, control and risk management systems and processes the providers had in place including the risk assessment to inform these systems and processes.
- if the provider has used technology to implement systems and processes to rely on the triple lock exception, evidence of the steps the provider took in ensuring the technology is appropriate, reliable, accessible, inclusive and functional
- evidence that the provider has appropriate procedures for identifying and remediating problems that arise or may arise in relation to that matter

- sufficient evidence that the reliance on a third party was reasonable, if an online content service provider has sought to rely on a third party in relation to the triple lock exception.