Complaint and Investigation Assessment (CIA) for Interactive Gambling Matter

COMPLAINT/MATTER DETAILS

Date complaint received by the ACMA (if relevant)	
CRM Reference (i.e. complaint ID)	
URL	<The URL that was ultimately investigated ('resolved to')>
Provider (registrant/advertiser/broadcaster)	<Name of the Entity that provided access to the service or advertised the service>
Service name	<Name of service, for example website name>
Relevant provision/s of the *Interactive Gambling Act 2001* (IGA)	[Choose from below or add own – below are the most common matters] • Subsection 15(2A) – providing a prohibited interactive gambling service that has an Australian-customer link • Subsection 15AA(3) – providing an unlicensed regulated interactive gambling service that has an Australian-customer link • Subsection 15A(2A) – providing an Australian-based prohibited interactive gambling service that has a designated country-customer link • Subsection 15C(3) – providing/facilitating credit by a wagering service to customers in Australia • Subsections 61DA(1A) and (3A) – broadcasting or datacasting a designated interactive gambling service advertisement in Australia or authorising or causing a designated interactive gambling service advertisement to be broadcast and datacast in Australia and the broadcast is not permitted by sections 61DB and 61DC of the IGA • Subsections 61EA(1A) and (2A) – 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
Relevant investigations (previous and current investigations)	[Insert any relevant:]Previous investigations: <GINV-xxxx-xxxxx> – <Service name> – <Findings> [Insert any relevant:]Current investigations: <GINV-xxxx-xxxxx> – <Service name>

Comments

Complaint/Own motion

[redacted]

[redacted]

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.

[CHOOSE THE OPTION BELOW DEPENDING ON RECOMMENDATION]

[OPTION 1: Investigate as part of current investigation]

It is recommended that the ACMA investigate the relevant matter as part of the current investigation.

[OPTION 2: Investigate as new investigation. Choose relevant matters below for investigating and add any additional if relevant – see reference sheet at the end of this document.]

[redacted]

[OPTION 3: Do not investigate. Choose relevant matters below for not investigating and add any additional if relevant – See reference sheet at the end of this document]

[redacted]

[redacted]

Risk management

Having considered the *ACMA Risk Management Guide*, the operational level risk of <investigating/not investigating> this matter is <low / medium / significant / high>. [If greater than a 'low' risk then you need to insert an explanation of why this is the case.]

[Most decisions, either to investigate or not, will have 'Unlikely' Likelihood and 'Minimal' Consequence – Always consider each matter on merits against the *ACMA Risk Management Guide* - decide if this holds or whether changes need to be made to the following table]

Risk category and key examples	Key risk and consequence	Likelihood	Consequence
Compliance e.g. the consequence may be greater if the matter: - is of significant public interest - may impact on the community at large - may be novel and/or have precedent value - may concern systemic non-compliance - may involve formal enforcement action - may raise concerns about the adequacy of the relevant provision or involve policy considerations	Decision <not to investigate/of investigation and subsequent actions> not adequately informed by Authority views / Level of compliance with Australian laws and regulations not adequate and/or consistent	Unlikely	Minimal
Stakeholder management 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	Stakeholder expectations not met and/or not managed at appropriate level / Reduced confidence in the ACMA and/or legislative framework	Unlikely	Minimal
Regulatory and program delivery outcomes 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	Decision of investigation and subsequent outcome was not contemplated by the parliament that passed the legislation and/or enforcement of the legislation is shown to be inadequate and/or inconsistent	Unlikely	Minimal

[redacted]

DECISION WHETHER TO INVESTIGATE MATTER

[redacted]

Attachment A

[SCREENSHOT FROM SIMILARWEB]

For reference while drafting – Please delete

Decision to open investigation

The *Interactive Gambling Act 2001* (the IGA) gives the ACMA broad discretion to investigate relevant matters on its own initiative or in response to a complaint if the ACMA thinks that it is desirable to do so.

Our aim is to administer our compliance and enforcement activities efficiently and consider areas of risk and potential harm for consumers and seek to incentivise compliance within industry.

Decisions to open an investigation are made after an assessment of the risk of harm to consumers posed by the matter. This assessment is informed by a range of factors which are set out in the ACMA Performance Framework, including **public interest considerations** (see attached)

The table below provides guidance on assessing harm in the context of whether to investigate an interactive gambling matter.

Indicators of consumer harm/public interest

[redacted]

[redacted]

[redacted]

Some matters that aren't assessed as having a high risk of consumer harm may still be investigated for other public interest reasons outlined in the attachment, eg, for precedent value, or the matter raises potential issues with the regulatory framework that should be considered as a matter of priority

ACMA Performance framework

[redacted]

Targets		Result
5.1	Decisions to open investigations are informed by risk assessments and consideration of potential harm to consumers	
[redacted]	[redacted]	
[redacted]	[redacted]	
[redacted]		
[redacted]		
[redacted]		
[redacted]		

Target 5.1: Decisions to open investigations are informed by risk assessments and consideration of potential harm to consumers

Decisions to open an investigation are made after an assessment of the risk of harm posed by the matter. This assessment is informed by a range of factors including:

- whether it is a current compliance priority for the ACMA
- the number, currency and duration of complaints (and compliance alerts)
- the size, reach and compliance history of the entity
- the nature of the alleged contravening conduct, including the potential or realised harms stemming from the impact of the activity
- the type of goods/services offered
- public interest considerations
- issues arising from compliance audits.

Public interest considerations

