

Formal Warning

under section 205XA of the *Broadcasting Services Act 1992*

To: Streamotion Pty Ltd (ACN 072 725 289)

Of: 5 Thomas Holt Drive, North Ryde, NSW 2113

Attention: [REDACTED] Foxtel Management Pty Ltd

I, Rochelle Zurnamer, an authorised infringement notice officer appointed by the Australian Communications and Media Authority (ACMA) under section 205ZE of the *Broadcasting Services Act 1992* (the BSA), having reasonable grounds to believe that Streamotion Pty Ltd has contravened subclause 25(1) of Schedule 8 to the BSA (Schedule 8), being a designated infringement notice provision;

HEREBY issue Streamotion Pty Ltd (Streamotion) a formal warning under section 205XA of the BSA, for contravening section 12 of the *Broadcasting Services (Online Content Service Provider Rules) 2018* (the Online Rules) and warn Streamotion that I, or another authorised infringement notice officer, may be entitled to give Streamotion an infringement notice relating to the contravention.

Details of the contravention

On 22 May 2022, Streamotion provided gambling promotional content to end-users of the Kayo Sports online content service, in relation to the provision of live coverage of the AFL match between Fremantle v Collingwood (AFL match) between the hours of 5:00 am and 8:30 pm, in contravention of section 12 of the Online Rules.

Obligations under the Online Rules and BSA

1. Section 12 of the Online Rules provides that an online content service provider must not provide gambling promotional content on an online content service in conjunction with live coverage of a sporting event in the period beginning at 5:00 am and ending at 8:30 pm.
2. Subclause 25(1) of Schedule 8 provides that an online content service provider must not contravene the Online Rules, and this is a designated infringement notice provision (see subclause 25(4) of Schedule 8).

Investigation

3. Under subclause 24(2) of Schedule 8, on 28 July 2022, the ACMA commenced an investigation into whether, during its live coverage of the AFL match, the Kayo Sports service provided gambling promotional content in contravention of the Online Rules.
4. Streamotion is the provider of the Kayo Sports service.

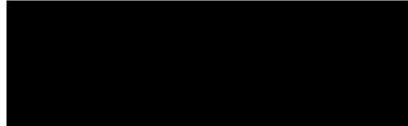
Contraventions

5. In conducting its investigation, the ACMA obtained evidence indicating that the Kayo Sports online content service provided 2 Sportsbet advertisements to a portion of end-

users in various Australian locations within the 5 minutes before play commenced and during scheduled breaks of the AFL match.

6. The AFL match was advertised to commence at 5:20 pm AEST.
7. The ACMA found that, as the provider of Kayo Sports service, Streamotion contravened section 12 of the Online Rules by providing prohibited gambling promotional content between the hours of 5:00 am and 8:30 pm (local time) to end-users in Australia.
8. As a consequence of contravening section 12 of the Online Rules, the ACMA found that Streamotion contravened subsection 25(1) of Schedule 8.

Dated this 5 April 2023.



Rochelle Zurnamer
Authorised Infringement Notice Officer under section 205ZE of the BSA