

From: [REDACTED]
To: [REDACTED]
Subject: FW: Twitch and Kick [SEC=OFFICIAL]
Date: Monday, 10 July 2023 11:28:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi [REDACTED],

See below information about Kick – I don't think there is anything I would add to that since April other than more background context that Kick continues to grow rapidly:

<https://www.forbes.com/sites/paultassi/2023/06/19/kick-just-stole-xqc-and-amouranth-twitchs-top-male-and-female-streamers-within-48-hours/?sh=44b85f007375>.

From: [REDACTED]
Sent: Monday, 3 April 2023 11:45 AM
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: RE: Twitch and Kick [SEC=OFFICIAL]

Hi [REDACTED]

- Kick is a relatively new live video streaming platform, primarily used for gaming videos but offering a wide variety of content including music, discussion and gambling.
- Kick has appealed to video streamers as it offers a 95-5 split of subscriber revenue in favour of streamer. The main live video streaming platform in the market, Twitch, only offers a 50-50 split.
- Some streamers have also moved to Kick as a result of increased restrictions on Twitch.
- Kick was created by the owners of Stake.com, an online cryptocurrency casino based in Melbourne (Australians are geo-blocked from playing at Stake.com).
- Stake.com is the main sponsor of the Alpha Romeo Formula 1 team this year but for the Australian Grand Prix they replaced the 'Stake.com' logos with 'Kick'.

- Like Twitch, Kick features live videos of individuals playing online casinos.
- In August 2021, Twitch banned streamers from 'sharing links and/or referral codes to sites that offer slots, roulette, or dice games'.
- However, Kick does not have a similar prohibition and this allows online casino streamers who use Kick to provide hyperlinks directly to online casinos.

- It is unlikely that content hosted on a global platform such as Kick can be found to contravene the IGA's advertising prohibitions, as the ACMA will need to be satisfied that the majority of persons who access the content are physically present in Australia (see section 61EA(3)(ii) of the IGA). The majority of visitors to the Kick platform as a whole are not from Australia.
- However, it is prohibited under the IGA to be an ancillary to a contravention, for example by 'being in any way, directly or indirectly, knowingly concerned in, or party to, a contravention' of those provisions by another person. (Subsection 64B(1) of the IGA

adopts the civil penalty provisions of the Regulatory Powers (Standard Provisions) Act 2014 (Cth) (the RPA) including section 92 ancillary contraventions). An ancillary is taken to have contravened the relevant civil penalty provision.

- Video streamers on Kick that promote prohibited services may be found to be an ancillary to a contravention of the IGA for knowingly facilitating a contravention of subsection 15(2A) of the IGA by the providers of casino-style services which have been found by the ACMA to be prohibited interactive gambling services that have an Australian customer link.
- It is unlikely that the Kick platform could be considered an ancillary it would lack the requisite knowledge of the contravention.

Kind regards,

[REDACTED]

From: [REDACTED]

Sent: Monday, 3 April 2023 10:09 AM

To: [REDACTED]

[REDACTED]

Cc: [REDACTED]

Subject: FW: Twitch and Kick [SEC=OFFICIAL]

Importance: High

[REDACTED]

See the Crickey article about Kick advertising on gear at the F1 [Australian F1 Grand Prix: Alfa Romeo's disappearing logo mystery \(crikey.com.au\)](#)

Could you please do some dot points covering –

- What is Kick
- Use for streaming people gambling while others watch – links to the actual casinos
- Why we don't think they breach the advertising prohibition but could be ancillary if they have links
- What restrictions twitch put in place

As background, our response to media inquiry on Friday is attached. Our brief on the gambling advertising prohibition is [here](#).

Can you do it this morning please.

[REDACTED]

From: [REDACTED]

Sent: Monday, 3 April 2023 9:44 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Twitch and Kick [SEC=OFFICIAL]

Hi [REDACTED]

Following from questions from Crikey on Friday, you will have seen today's clips [Australian F1 Grand Prix: Alfa Romeo's disappearing logo mystery \(crikey.com.au\)](https://www.crikey.com.au/2018/05/25/australian-f1-grand-prix-alfa-romeo-disappearing-logo-mystery/)

Ahead of tomorrow, I think we should be armed with some speaking points about the status of a site like Kick (or Twitch) and whether or not the streaming of someone gambling online for money could amount to an illegal service and then implications for the GP related advertising of Kick.

Many thanks

[REDACTED]

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.