

Investigation report no. BI-668, BI-669 and BI-670

Summary

Provider [service]	Hubbl Pty Ltd [Kayo Sports app]
Type of service	Online content service (audio-visual)
Finding	<p>Contravention of sections 12 and 15 of the Online Rules and consequently a contravention of subclause 25(1) of Schedule 8 to the BSA</p> <p>No contravention of subsection 21(1) of the Online Rules.</p>
Date finalised	13 May 2024
Relevant legislation	<p><i>Broadcasting Services Act 1992</i> (the BSA)</p> <p><i>Broadcasting Services (Online Content Service Provider Rules) 2018</i> (the Online Rules)</p>
Live sporting events	<p><i>Day 2 Third cricket test - India v Australia</i></p> <p><i>Day 5 Fourth cricket test - India v Australia</i></p> <p><i>AFL - Port Adelaide v Brisbane</i></p> <p>Other events affected by iOS Issue (Attachment A)</p>
Dates of streams	<p>3 matters complained about:</p> <ul style="list-style-type: none"> - 2 March 2023 - 13 March 2023 - 18 March 2023 <p>Other events affected by iOS Issue - 6 February to 21 March 2023</p>
Attachments	<p>A – List of all events affected by iOS issue</p> <p>B – Relevant legislative provisions</p>

Background

Matters complained about

In March 2023, the Australian Communications and Media Authority (the **ACMA**) received three complaints alleging that the complainants had viewed gambling advertisements during the live stream of three separate sporting events on Kayo Sports (**Kayo**) during March 2023.

The first complaint, received on 6 March 2023, alleged that the complainant had viewed gambling advertisements [for wagering company 1] during the live stream of Day 2 of the third cricket test between India and Australia on 2 March 2023 prior to 8:30 pm. The complainant stated their location was Melbourne.¹

The second complaint, received on 14 March 2023, alleged that the complainant had viewed gambling advertisements [for wagering company 1] during the live stream of Day 5 of the fourth cricket test between India and Australia on 13 March 2023 prior to 8:30 pm. The complainant stated their location was South Australia.

The third complaint, received on 20 March 2023, alleged that the complainant had viewed a gambling advertisement [for wagering company 2] during the live stream of the Port Adelaide and Brisbane AFL game on 18 March 2023 prior to 8:30 pm. The complainant stated their location was Canberra.

In response to the ACMA's initial correspondence regarding the possible non-compliance, the provider of Kayo, Hubbl Pty Ltd (the **Provider**), confirmed the gambling advertisements raised in the complaints were provided during the live stream of the relevant sporting events.

Additional matters identified by the Provider – the iOS issue

The Provider indicated that its own investigations suggested that there was a wider issue impacting Kayo subscribers viewing live sporting events on iOS devices (the **iOS issue**). The Provider advised that this issue impacted content streamed between 6 February 2023 and 21 March 2023, across 267 events (including the three events referred to above and which were complained about to the ACMA) and involved 16 gambling advertisements.

ACMA Investigation

In May 2023, the ACMA commenced an investigation under the *Broadcasting Services Act 1992* (the **BSA**) into the matters complained about and extended the scope of the investigation to analyse the iOS issue.

Matter not pursued

The ACMA decided not to pursue an investigation into an allegation made in the third complaint that the gambling advertisement [for wagering company 2] associated betting with alcohol. While this is prohibited under clause 17 of the Online Rules, following an assessment of the content concerned, the ACMA formed the view that there appeared to be no explicit association between alcohol and gambling in the advertisement.

¹ The gambling advertising rules vary according to the time of day and accordingly, a complainant's location is significant.

Assessment

An online content service provider must comply with the Online Rules (clause 25 of Schedule 8 to the BSA).

An 'online content service provider' means a provider of an 'online content service' (clause 2 of Schedule 8 to the BSA).

An 'online content service' includes a service that allows end users to access content using the internet, where the service is provided to the public, has a geographical link to Australia and is not an excluded service listed in paragraphs 3(1)(e) to (r) of Schedule 8 to the BSA (see subclause 3(1) of Schedule 8).

The Kayo service allows end-users who are members of the public to access content using the internet. The service is clearly targeted at individuals who are physically present in Australia, and therefore the service has a geographical link to Australia as defined in clause 5 of Schedule 8 to the BSA. The service is not an excluded service under paragraphs 3(1)(f) to (r) of Schedule 8 to the BSA.

Paragraph 3(1)(e) of Schedule 8 to the BSA provides that an 'exempt online simulcast service' defined in clause 4 of Schedule 8 to the BSA, is not an online content service. While some of the Provider's services may fall within the definition of an 'exempt online simulcast service', the Provider has confirmed that the streams the subject of this investigation are not exempt online simulcast services under clause 4 of Schedule 8 to the BSA. In each case, therefore, the relevant content was subject to the Online Rules.

Issue 1

The ACMA investigated whether the advertisements, the subject of the complaints, were 'gambling promotional content,' as defined in clause 2 of Schedule 8 to the BSA, and if so, whether the advertisements were provided at a prohibited time, in contravention of section 12 of the Online Rules.

Additionally, following receipt of details about the gambling promotional material provided to end-users during other live sporting events affected by the iOS issue, the ACMA investigated Kayo's compliance with sections 12 and 15 of the Online Rules during those events.

Issue 2

The ACMA investigated whether the Provider made records sufficient to enable the Provider's compliance with section 21 of the Online Rules to be readily ascertained, particularly given the iOS issue.

Relevant provisions of the BSA and the Online Rules can be found at **Attachment B**

Issue 1: Was gambling promotional content provided in contravention of section 12 or section 15 of the Online Rules?

Finding

The ACMA finds that the Provider contravened sections 12 and 15 of the Online Rules and, therefore, contravened subclause 25(1) of Schedule 8 to the BSA.

Reasons

To assess compliance with the prohibition on gambling promotional content during live coverage of sporting events in sections 12 and 15 of the Online Rules, the ACMA asks the following questions:

1. Did the content fall within the definition of 'gambling promotional content'?
If yes, then,
2. What were the relevant restrictions that applied to the live coverage of the sporting event?
3. Was gambling promotional content provided at prohibited times during live coverage of the sporting event?

Did the content fall within the definition of 'gambling promotional content'?

'Gambling promotional content' means advertising, sponsorship or promotional content that relates to a gambling service (clause 2 of Schedule 8 to the BSA). For the purpose of Schedule 8, 'gambling service' is defined in clause 18 and includes a service for the placing, making, receiving or acceptance of bets (see paragraph 18(a) of Schedule 8 to the BSA).

It is not in contention that these advertisements, which related to a service for the placing, making, receiving or acceptance of bets, were gambling promotional content for the purposes of the Online Rules.

What were the relevant restrictions that applied to the live coverage of the sporting event?

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.

In addition, section 15 of the Online Rules provides, amongst other things, that:

[...] an online content service provider must not provide gambling promotional content (other than promotion of odds, a commentator betting odds promotion or a representative venue-based promotion) on an online content service in conjunction with a live coverage of a sporting event in the period beginning at 8:30 pm and ending at 5:00 am.

Subclause 21(1) of Schedule 8 to the BSA relevantly provides that gambling promotional content is provided in conjunction with a live sporting event if it is provided in the period beginning 5 minutes before the scheduled start of play and ending 5 minutes after the conclusion of the sporting event.

Was gambling promotional content provided at prohibited times during live coverage of the sporting event?

The Provider submitted that gambling advertisements were provided in the three matches, the subject of the complaints, in contravention of the Online Rules:

Event	Date	Gambling advertisements
Complaint 1 – CRICKET India v Australia 3rd Test Day 2	2/3/23	[wagering company 1] advertisements provided prior to 8.30 pm
Complaint 2 – CRICKET India v Australia 4th Test Day 5	13/3/23	[wagering company 1] advertisements provided prior to 8.30 pm
Complaint 3 – AFL Port Adelaide Power v Brisbane Lions	18/3/23	[wagering company 2] advertisements provided prior to 8.30 pm

The ACMA has reviewed and accepts the Provider’s submissions. The ACMA notes that the submissions are consistent with the complaints alleging that gambling advertisements were viewed prior to 8:30 pm during the live streams of the third and fourth cricket tests and the AFL game (taking into account the relevant time zones).

As noted above, it is not in contention that these advertisements were gambling promotional content for the purposes of the Online Rules. Therefore, the ACMA finds that the provision of the gambling advertising, as reported by the Provider, was in contravention of section 12 of the Online Rules.

iOS Issue

The Provider’s submission confirms there was an issue for Kayo end-users operating iOS devices between 6 February and 21 March 2023 (the **iOS period**). The Provider advised that the iOS issue was due to a system error, noting that:

The iOS issue arose due to a code error which had been introduced into the iOS mobile and iOS TV/tvOS applications as part of the Kayo Video refactor rollout that was released on 6 February 2023.

In terms of known factors which determined the iOS Issue’s prevalence amongst end-users, the bug was in the iOS application that all iOS users access.

The Provider submitted data identifying 267 live sporting events impacted (listed at **Attachment A**),² a description of gambling advertisements that were provided during the iOS period and the times they were provided, and the total number of impressions of those gambling advertisements served during the iOS period.

The extent of the iOS issue is summarised in the following table:

Dates of ‘iOS issue’	Number of events	Number of gambling advertisements	Number of gambling advertising impressions ³
6 February to 21 March 2023 (43 days)	267	16	2,749,668

The Provider confirmed that all the gambling advertisements and impressions listed on the relevant spreadsheets were provided contrary to the Online Rules, predominantly in the period between 5:00 am and 8:30 pm.⁴

² This includes the events complained about to the ACMA.

³ Impressions is the number of times an advertisement is made available. It represents the number of times the advertisement *could* have been viewed, regardless of whether an end-user actually views or engages with the advertisement.

⁴ This data included the gambling advertisements that were the subject of the complaints, as discussed under Issue 1.

The ACMA accepts the Provider's submission that gambling advertisements were provided as a result of the iOS issue. Based on the information submitted, it is the ACMA's view that these advertisements contravened sections 12 or 15, and in some cases, both sections 12 and 15 of the Online Rules.⁵

Contravention of subclause 25(1) of Schedule 8

Subclause 25(1) of Schedule 8 to the BSA provides that an online content service provider must not contravene the Online Rules. The ACMA finds that as the Provider has contravened section 12 and section 15 of the Online Rules, it has therefore contravened subclause 25(1) of Schedule 8 to the BSA.

Issue 2: Did the online content service provider make records sufficient to enable the provider's compliance with the Online Rules to be readily ascertained?

Finding

The ACMA finds that the Provider did not contravene subsection 21(1) of the Online Rules.

Reasons

Under subsection 21(1) of the Online Rules, the Provider is required to make records sufficient to enable its compliance with the Online Rules to be readily ascertained, including 'without limitation':

- (a) written records of the date and duration of the content stream of the live coverage of the sporting event and the location of the relevant end-users where known; and
- (b) audio or audio-visual records, as the case may be, of the stream of the live coverage of the sporting event.

The Provider submitted records that are relevant to compliance with subsection 21(1) of the Online Rules. These included comprehensive data files with information including the date, start and end time of all the live sporting events impacted by the iOS issue, including the events that were the subject of the complaints, the description of the gambling advertisements and the time the advertisements were shown in the relevant time zone, the total number of impressions, a breakdown of the time periods the impressions were served and the number of affected users receiving the gambling advertising during this iOS period.

The ACMA considers that, in these circumstances, the Provider did make records sufficient to enable the Provider's compliance with the Online Rules to be readily ascertained. This included producing records to show the number of affected end-users and the number of advertising impressions that were served to those end-users during these events, in contravention of the Online Rules. Accordingly, the ACMA finds that the Provider did not contravene subsection 21(1) of the Online Rules.

⁵ A contravention of both sections can occur where end-users are provided a specific gambling advertisement and they are located in different time zones. For example, a gambling advertisement is provided to an end-user in NSW where it is 8 pm AEDT and to an end-user in QLD where it is 9 pm AEST.

Attachment A

LEAGUE502 FOX League NRL Pre-Season Warriors v Melbourne
CRICKET 501 Test Match India v Australia 4th Test Day 2
CRICKET 501 ICC Women's T20 World Cup South Africa v Bangladesh
AFL504 FOX Footy AFL Round 1 GWS Giants v Adelaide Crows
GOLF 503 Asian Tour International Series Thailand Round 3
MOTOR 506 F1 Bahrain Practice 1
GOLF 503 USPGA Arnold Palmer Invitational Round 1
DARTS 505 UK Open Day 1 Day Session
GOLF 503 Australian PGA and WPGA Victorian Open Round 2
GOLF 507 FOX More Asian Tour The DGC Open Round 3
MOTOR 506 NASCAR Cup Series Daytona Duels
MOTOR 506 New Zealand Super Sprint Taupo
GOLF 507 FOX More ELPGA Saudi International Final Round
LEAGUE502 FOX League NRL Round 2 Sydney Roosters v Warriors
CRICKET 501 Test Match India v Australia 4th Test Day 3
GOLF 503 USPGA Phoenix Open Final Round
POOL 506 Ultimate Pool Group 5 Champions League
SURFING 507 FOX More WSL Tour Portugal Day 6
GOLF 505 DP World Tour Thailand Classic Round 1
LEAGUE502 FOX League NRL Pre-Season South Sydney v Manly
CRICKET 501 Test Match New Zealand v Sri Lanka 2nd Test Day 4
MOTOR 506 NASCAR Cup Series Daytona 500
LEAGUE 502 FOX League English Super League Warrington v Salford
AFL504 FOX Footy AFL Pre-Season Hawthorn Hawks v Collingwood Magpies
CRICKET 501 Test Match India v Australia 3rd Test Day 3
LEAGUE 502 FOX League English Super League Leigh v Salford
CRICKET 501 ICC Women's T20 World Cup New Zealand v Sri Lanka
GOLF 505 USPGA Arnold Palmer Invitational Final Round
AFL504 FOX Footy AFL Round 1 North Melbourne Kangaroos v West Coast Eagles
AFL504 FOX Footy AFL Round 1 Port Adelaide Power v Brisbane Lions
LEAGUE502 FOX League NRL Round 2 Parramatta v Cronulla
SURFING 507 FOX More WSL Tour Sunset Beach Day 8
GOLF 503 PGA Australia New Zealand Open Final Round
CRICKET 501 ICC Women's T20 World Cup South Africa v Australia
AFL503 AFL Pre-Season West Coast Eagles v Adelaide Crows
CRICKET 501 Test Match India v Australia 1st Test Day 2
LEAGUE502 FOX League NRL Round 3 North Queensland v Warriors
MOTOR 506 F1 Bahrain Practice 3
GOLF 507 FOX More Women's Amateur Asia Pacific Championship Round 1
LEAGUE 502 FOX League Knock On Effect NSW Cup Sea Eagles v Bulldogs
MOTOR 506 Hi-Tec Oils Super Series Round 1 Winton Motor Raceway
CRICKET 501 Test Match India v Australia 1st Test Day 1

CRICKET 501 Marsh One Day Cup Victoria v Queensland
LEAGUE502 FOX League NRL Pre-Season Newcastle v Parramatta
MOTOR 506 F1 Saudi Arabia Practice 2
LEAGUE502 FOX League NRL Pre-Season Canterbury v Cronulla
GOLF 503 USLPGA Thailand Round 1
GOLF 505 USPGA The Players Championship Round 3
CRICKET501 WPL Auction
FIELDHOCKEY 507 FOX More FIH Men's Pro League Spain v Argentina
FIELDHOCKEY 507 FOX More FIH Men's Pro League Australia v Argentina
GOLF 505 DP World Tour Thailand Classic Final Round
SURFING 507 FOX More WSL Tour Sunset Beach Day 4
MOTOR 506 F1 Bahrain Practice 2
DARTS 505 UK Open Day 2 Night Session
FIELDHOCKEY 507 FOX More FIH Men's Pro League Australia v Spain
FIELDHOCKEY 507 FOX More FIH Women's Pro League Australia v China
CRICKET 501 Test Match India v Australia 1st Test Day 3
MOTOR 506 Supercars Newcastle Day 1
LEAGUE502 FOX League NRL Pre-Season Wests Tigers v Canberra
GOLF 503 USPGA The Genesis Invitational Final Round
GOLF 503 USPGA The Genesis Invitational Round 3
LEAGUE502 FOX League NRL Pre-Season Newcastle v Cronulla
LEAGUE502 FOX League NRL Round 1 Manly v Canterbury
SURFING 507 FOX More WSL Tour Pipeline Day 9
BOXING 507 FOX More Matchroom Boxing Pattinson v Jenkins
CRICKET 501 Test Match India v Australia 3rd Test Day 2
CRICKET 501 Test Match India v Australia 4th Test Day 4
DARTS 506 Premier League Darts Week 6
GOLF 505 DP World Tour Singapore Classic Final Round
LEAGUE 502 FOX League Knock On Effect NSW Cup Roosters v Warriors
CRICKET 501 WPL Mumbai Indians v UP Warriorz
CRICKET 501 ODI India v Australia Game 1
GOLF 503 USLPGA Thailand Round 3
CRICKET 501 Test Match South Africa v West Indies 1st Test Day 1
GOLF 507 FOX More Women's Amateur Asia Pacific Championship Round 3
CRICKET 501 Test Match New Zealand v Sri Lanka 2nd Test Day 3
GOLF 503 USPGA The Genesis Invitational Round 2
POOL 505 Ultimate Pool Group 6 Champions League
FIELDHOCKEY507 FOX More FIH Men's Pro League Argentina v Spain
MOTOR 507 FOX More NASCAR Cup Series Atlanta
DARTS 505 Premier League Darts Week 4
AFL503 AFL Pre-Season GWS Giants v Gold Coast Suns
CRICKET 501 Test Match New Zealand v England 2nd Test Day 4
GOLF 507 FOX More EPGA Saudi International Round 1
BASKETBALL 505 EuroLeague Panathinaikos v Valencia

GOLF 503 Asian Tour International Series Qatar Round 3
FIELDHOCKEY 507 FOX More FIH Women's Pro League Australia v Germany
MOTOR 506 F1 Bahrain Qualifying
LEAGUE 502 FOX League English Super League Leeds v Hull FC
GOLF 503 PGA Australia New Zealand Open Round 2
CRICKET 501 Test Match New Zealand v England 1st Test Day 1
CRICKET 501 WPL Royal Challengers Bangalore v Delhi Capitals
CRICKET 506 Super Smash Men's Grand Final Canterbury Kings v Northern Brave
GOLF 507 FOX More USPGA Puerto Rico Open Round 3
SURFING507 FOX More WSL Tour Pipeline Day 11
MOTOR 506 Supercars Newcastle Day 2
SURFING 507 FOX More WSL Tour Portugal Day 4
GOLF 503 ELPGA Singapore Round 2
CRICKET 507 FOX More Pakistan Super League Karachi Kings v Multan Sultans
LEAGUE 502 FOX League English Super League St Helens v Hull FC
MOTOR 506 NASCAR Cup Series Las Vegas
CRICKET 501 Test Match New Zealand v Sri Lanka 2nd Test Day 1
GOLF 503 USPGA Phoenix Open Round 1
LEAGUE502 FOX League NRL Pre-Season North Queensland v Dolphins
DARTS 505 Premier League Darts Week 5
CRICKET 501 ODI India v Australia Game 2
AFL503 AFL Pre-Season Fremantle Dockers v Port Adelaide Power
BOWLS 507 FOX More Bowls Premier League Day 1
MOTOR 506 Supercars Newcastle Day 3
GOLF 505 USPGA The Players Championship Final Round
GOLF 505 DP World Tour Thailand Classic Round 2
LEAGUE502 FOX League NRL Pre-Season Brisbane v North Queensland
CRICKET 501 Marsh One Day Cup South Australia v Western Australia
GOLF 505 USLPGA World Championship Round 1
AFL504 FOX Footy AFL Round 1 St Kilda Saints v Fremantle Dockers
LEAGUE502 FOX League NRL Round 3 Brisbane v St George Illawarra
AFL503 AFL Round 1 Gold Coast Suns v Sydney Swans
GOLF 503 PGA Australia New Zealand Open Round 1
SURFING 507 FOX More WSL Tour Portugal Day 5
LEAGUE 502 FOX League English Super League St Helens v Leeds
GOLF 503 USPGA The Honda Classic Final Round
SURFING 507 FOX More WSL Tour Portugal Day 7
CRICKET 501 Marsh One Day Cup Final Western Australia v South Australia
MOTOR 506 NASCAR Cup Series Auto Club
GOLF 503 USPGA The Honda Classic Round 2
GOLF 507 FOX More PGA Australia New Zealand Open Round 3
CRICKET 501 Test Match India v Australia 3rd Test Day 1
CRICKET 506 Test Match South Africa v West Indies 2nd Test Day 1
LEAGUE502 FOX League NRL Round 2 St George Illawarra v Gold Coast Titans

GOLF 505 USPGA The Players Championship Round 2
GOLF 503 Asian Tour International Series Qatar Round 1
CRICKET 501 ICC Women's T20 World Cup South Africa v Sri Lanka
SURFING 507 FOX More WSL Tour Sunset Beach Day 6
GOLF 503 Asian Tour International Series Thailand Round 1
LEAGUE502 FOX League NRL Round 3 Gold Coast Titans v Melbourne
GOLF 507 FOX More ELPGA Saudi International Round 3
GOLF 503 Asian Tour International Series Oman Round 3
GOLF 503 ELPGA Singapore Round 1
GOLF 505 DP World Tour Thailand Classic Round 3
LEAGUE 502 FOX League English Super League Castleford v Leeds
CRICKET 501 Test Match India v Australia 4th Test Day 5
LEAGUE502 FOX League NRL Pre-Season Sydney Roosters v Manly
GOLF 503 Australian PGA and WPGA Victorian Open Round 1
LEAGUE502 FOX League NRL Round 1 North Queensland v Canberra
BOWLS 507 FOX More Bowls Premier League Day 3
GOLF 503 NSW Golf Open Round 3
GOLF 507 FOX More PGA Australia Hunter Valley Final Round
CRICKET 505 ODI South Africa v West Indies Game 2
FIELDHOCKEY 507 FOX More FIH Women's Pro League Argentina v USA
GOLF 503 USPGA Phoenix Open Round 2
CRICKET 501 Test Match India v Australia 2nd Test Day 1
SURFING 507 FOX More WSL Tour Sunset Beach Day 2
GOLF 503 Asian Tour International Series Qatar Round 2
LEAGUE502 FOX League NRL Round 1 Warriors v Newcastle
LEAGUE 502 FOX League English Super League Huddersfield v Castleford
POOL 505 Ultimate Pool Group 11 Champions League
GOLF 503 WPGA The Athena Day 1
CRICKET 501 ICC Women's T20 World Cup Bangladesh v Sri Lanka
LEAGUE502 FOX League NRL Pre-Season Dolphins v Gold Coast Titans
BOWLS 507 FOX More Bowls Premier League Final Day
LEAGUE 502 FOX League English Super League Warrington v Leeds
GOLF 503 USPGA Arnold Palmer Invitational Round 2
DARTS 505 UK Open Day 1 Night Session
MOTOR 506 World Superbikes Indonesia Day 2 Part 1
CRICKET 501 ICC Women's T20 World Cup Pakistan v Ireland
CRICKET 501 WPL Gujarat Giants v UP Warriorz
CRICKET 507 FOX More Pakistan Super League Women's Exhibition Match 2
CRICKET 506 Pakistan Super League Multan Sultans v Islamabad United
MOTOR 506 NASCAR Cup Series Phoenix
GOLF 503 Asian Tour International Series Oman Round 2
BOXING 507 FOX More Matchroom Boxing Pacheco v Cullen
BASKETBALL 507 FOX More EuroLeague Maccabi Tel Aviv v Baskonia
CRICKET 501 ICC Women's T20 World Cup Australia v Bangladesh

BASKETBALL 507 FOX More EuroLeague Monaco v Maccabi Tel Aviv
POOL 505 Ultimate Pool Group 8 Champions League
BASKETBALL 507 FOX More EuroLeague Olympiacos v Barcelona
FIELDHOCKEY 507 FOX More FIH Women's Pro League China v Germany
MOTOR 506 World Superbikes Australia Day 1 Part 1
POOL 506 Ultimate Pool Group 7 Champions League
GOLF 505 DP World Tour Singapore Classic Round 2
CRICKET 501 ICC Women's T20 World Cup Australia v New Zealand
GOLF 505 DP World Tour Singapore Classic Round 3
POOL 507 FOX More Ultimate Pool Group 10 Champions League
CRICKET 501 Super Smash Men's Elimination Final Otago Volts v Northern Brave
GOLF 503 Asian Tour International Series Oman Final Round
GOLF 506 PGA Australia TPS Sydney Final Round
GOLF 506 PGA Australia TPS Sydney Round 3
LEAGUE502 FOX League NRL Round 1 Cronulla v South Sydney
GOLF 503 Australian PGA and WPGA Victorian Open Final Round
AFL504 FOX Footy AFL Pre-Season St Kilda Saints v Essendon Bombers
DARTS 505 Premier League Darts Week 2
LEAGUE502 FOX League NRL Pre-Season Warriors v Wests Tigers
LEAGUE502 FOX League NRL Round 1 Wests Tigers v Gold Coast Titans
LEAGUE 502 FOX League NRL All Stars Mixed Touch Football Maori v Indigenous
GOLF 506 ELPGA Singapore Final Round
GOLF 507 FOX More Women's Amateur Asia Pacific Championship Round 2
LEAGUE502 FOX League NRL Round 3 Newcastle v Dolphins
BOXING 503 No Limit Boxing Jarvis v Paniamogan
SURFING 507 FOX More WSL Tour Pipeline Day 10
GOLF 503 Asian Tour International Series Oman Round 1
LEAGUE502 FOX League NRL Round 2 Dolphins v Canberra
GOLF 505 USLPGA World Championship Final Round
GOLF 503 Australian PGA and WPGA Victorian Open Round 3
GOLF 507 FOX More Women's Amateur Asia Pacific Championship Final Round
CRICKET 501 ICC Women's T20 World Cup West Indies v Ireland
LEAGUE 502 FOX League English Super League Wigan v Catalans
CRICKET 501 Test Match India v Australia 2nd Test Day 2
GOLF 503 USPGA Phoenix Open Round 3
GOLF 505 USLPGA World Championship Round 2
CRICKET 501 Pakistan Super League Peshawar Zalmi v Lahore Qalandars
GOLF 507 FOX More ELPGA Saudi International Round 2
CRICKET 501 Test Match India v Australia 2nd Test Day 3
CRICKET 501 ICC Women's T20 World Cup South Africa v New Zealand
GOLF 505 USLPGA World Championship Round 3
GOLF 507 FOX More Asian Tour The DGC Open Final Round
CRICKET 501 Test Match New Zealand v Sri Lanka 2nd Test Day 2
GOLF 503 Asian Tour International Series Thailand Round 2

GOLF 507 FOX More PGA Australia Hunter Valley Round 3
POOL 503 Ultimate Pool Group 9 Champions League
FIELDHOCKEY 507 FOX More FIH Women's Pro League Australia v Argentina
BASKETBALL 507 FOX More EuroLeague Milan v Olympiacos
MOTOR 506 World Superbikes Indonesia Day 2 Part 2
BASKETBALL 507 FOX More EuroLeague Monaco v Panathinaikos
GOLF 503 USPGA Pebble Beach Pro-Am Final Round (Monday)
FIELDHOCKEY 507 FOX More FIH Women's Pro League USA v Argentina
DARTS 505 Premier League Darts Week 3
GOLF 507 FOX More USPGA Puerto Rico Open Final Round
GOLF 503 USPGA The Honda Classic Round 1
LEAGUE502 FOX League NRL Pre-Season Melbourne v Sydney Roosters
DARTS 503 UK Open Final Day Night Session
LEAGUE502 FOX League NRL Pre-Season St George Illawarra v St Helens
SURFING 507 FOX More WSL Tour Sunset Beach Day 5
LEAGUE502 FOX League NRL Pre-Season Canberra v Canterbury
GOLF 503 USPGA Arnold Palmer Invitational Round 3
DARTS 505 Premier League Darts Week 7
MOTOR 506 F1 Saudi Arabia Qualifying
AFL504 FOX Footy AFL Pre-Season Western Bulldogs v North Melbourne Kangaroos
BASKETBALL 507 FOX More EuroLeague Barcelona v Crvena Zvezda
FIELDHOCKEY 506 FIH Women's Pro League China v USA
GOLF 503 Asian Tour International Series Thailand Final Round
GOLF 503 USPGA The Genesis Invitational Round 1
CRICKET 501 Test Match India v Australia 4th Test Day 1
GOLF 505 USPGA The Players Championship Round 1
AFL504 FOX Footy AFL Pre-Season Brisbane Lions v Geelong Cats
CRICKET 501 Test Match New Zealand v England 2nd Test Day 1
CRICKET 507 FOX More European Championship Champions League Day 1
LEAGUE502 FOX League NRL Round 2 Melbourne v Canterbury
LEAGUE502 FOX League NRL Pre-Season Penrith v Parramatta
LEAGUE502 FOX League NRL Pre-Season Brisbane v Gold Coast Titans
GOLF 503 USPGA The Honda Classic Round 3
AFL504 FOX Footy AFL Pre-Season Melbourne Demons v Richmond Tigers
GOLF 505 DP World Tour Singapore Classic Round 1
BOWLS 507 FOX More Bowls Premier League Day 2
LEAGUE502 FOX League World Club Challenge Penrith v St Helens
LEAGUE502 FOX League NRL Pre-Season Charity Shield St George Illawarra v South Sydney
LEAGUE502 FOX League NRL Round 3 Canberra v Cronulla
MOTOR 506 World Superbikes Indonesia Day 1 Part 1
BOXING 506 Matchroom Boxing Leigh Wood v Mauricio Lara
AFL504 FOX Footy AFL Pre-Season Sydney Swans v Carlton Blues
BASKETBALL 507 FOX More EuroLeague Real Madrid v Valencia

CRICKET 501 Super Smash Otago v Canterbury M&W
MOTOR 506 NASCAR Cup Series Clash (L.A. Memorial Coliseum)
BASKETBALL 506 EuroLeague Maccabi Tel Aviv v Bayern Munich
FIELDHOCKEY 505 FIH Women's Pro League New Zealand v USA
FIELDHOCKEY 507 FOX More FIH Women's Pro League China v US

Relevant provisions

Schedule 8 to the *Broadcasting Services Act 1992*

2 Definitions

gambling promotional content means:

- (a) advertising content; or
- (b) sponsorship content; or
- (c) promotional content;

that relates to a gambling service.[...]

online content service has the meaning given by clause 3.

online content service provider means a person who provides an online content service.

Note: See clause 6.

3 Online content service

(1) For the purposes of this Schedule, **online content service** means:

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

where the service:

- (c) is provided to the public (whether on payment of a fee or otherwise); and
- (d) has a geographical link to Australia;

but does not include a service to the extent to which it is:

- (e) an exempt online simulcast service; or
- (f) an exempt Parliamentary content service (within the meaning of Schedule 7); or
- (g) an exempt court/tribunal content service (within the meaning of Schedule 7); or
- (h) an exempt official-inquiry content service (within the meaning of Schedule 7); or
- (i) a service that enables end-users to communicate, by means of voice calls, with other end-users; or
- (j) a service that enables end-users to communicate, by means of video calls, with other end-users; or
- (k) a service that enables end-users to communicate, by means of email, with other end-users; or
- (l) an instant messaging service that enables end-users to communicate with other end-users; or
- (m) an SMS service that enables end-users to communicate with other end-users; or
- (n) an MMS service that enables end-users to communicate with other end-users; or
- (o) a service that delivers content by fax; or
- (p) an exempt data storage service (within the meaning of Schedule 7); or
- (q) an exempt back-up service (within the meaning of Schedule 7); or

(r) a service determined under subclause (2).

Note 1: **SMS** is short for short message service.

Note 2: **MMS** is short for multimedia message service.

- (2) The ACMA may, by legislative instrument, determine one or more services for the purposes of paragraph (1)(r).

4 Exempt online simulcast service

- (1) For the purposes of this Schedule, **exempt online simulcast service** means a service, or a part of a service, that is provided to end-users using an internet carriage service, and that:
- (a) does no more than provide a stream of content that is identical to the stream of programs transmitted on:
 - (i) a commercial television broadcasting service provided under a commercial television broadcasting licence; or
 - (ii) a commercial radio broadcasting service provided under a commercial radio broadcasting licence; or
 - (iii) a subscription television broadcasting service provided under a subscription television broadcasting licence; or
 - (iv) a subscription radio narrowcasting service; or
 - (v) a subscription television narrowcasting service; or
 - (vi) a broadcasting service provided by the Special Broadcasting Service Corporation; and
 - (b) provides that stream of content simultaneously, or almost simultaneously, with the transmission of that stream of programs.
- (2) For the purposes of subclause (1), in determining whether a stream of content is identical to a stream of programs, disregard any differences that are attributable to the technical characteristics of the provision or transmission (for example, video resolution or sound quality).
- (3) For the purposes of subclause (1), in determining whether a stream of content is identical to a stream of programs, disregard the presence or absence of:
- (a) a watermark-type logo; or
 - (b) a watermark-type insignia;

that is not gambling promotional content. [...]

5 Geographical link to Australia

- (1) For the purposes of this Schedule, a service has a geographical link to Australia if an ordinary reasonable person would conclude that:
- (a) the service is targeted at individuals who are physically present in Australia; or
 - (b) any of the content provided on the service is likely to appeal to the public, or a section of the public, in Australia.
- (2) For the purposes of this clause, content is provided on a service if the content is:
- (a) delivered by the service; or
 - (b) accessible to end-users using the service.

6 Online content service provider

- (1) For the purposes of this Schedule, a person does not provide an online content service merely because the person supplies an internet carriage service that enables content to be delivered or accessed.

- (2) For the purposes of this Schedule, a person does not provide an online content service merely because the person provides a billing service, or a fee collection service, in relation to an online content service.

[...]

25 Compliance with the online content service provider rules

- (1) An online content service provider must not contravene the online content service provider rules.

[...]

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10 Scheduled start of a sporting event

For the purposes of these rules, the scheduled start of a sporting event to be provided on an online content service is:

- (a) the specified time of commencement of the live coverage of play of the sporting event, which must be earlier than or at the commencement of actual play, as published or notified in a manner that is clear and prominent to potential end-users of the online content service at least 24 hours before the commencement of the coverage; or
- (b) otherwise, the time the live coverage of the sporting event commences.

Note 1: Paragraph (a) may be satisfied, for example, by including the specified time on the webpage where end-users are likely to access the online content service, by including it in an electronic program guide (if one is available to end-users), or by sending an email or push notification to end-users.

Note 2: For the avoidance of doubt, for the purposes of paragraph (b), any content that is part of the coverage of the sporting event, including, without limitation, content that:

- is hosted at, or takes place at the venue of the live sporting event;
- contains commentary or analysis on the live sporting event;
- contains highlights or replay coverage of the live sporting event; or
- involves or profiles participants in the live sporting event;

which is provided on the service before play has commenced, or during play, is content that consists of live coverage of the sporting event.

12 Prohibition of gambling promotional content (other than a commentator betting odds promotion or a representative venue-based promotion)

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.

Note 1: Gambling promotional content (other than a commentator betting odds promotion or a representative venue-based promotion) is provided on an online content service in conjunction with live coverage of a sporting event if, and only if, the content is provided on the service during the period:

- (a) beginning 5 minutes before the scheduled start of the sporting event; and
- (b) ending 5 minutes after the conclusion of the sporting event. (See subclause 21(1) of Schedule 8 to the BSA.)

Note 2: For the avoidance of doubt, promotion of odds is a kind of gambling promotional content to which this section applies. Section 11 deals with commentator betting odds promotions and representative venue-based promotions.

[...]

15 Restrictions on other gambling promotional content

- (1) Subject to subsections (2) and (3), an online content service provider must not provide gambling promotional content (other than promotion of odds, a commentator betting odds promotion or a representative venue-based promotion) on an online content service in conjunction with a live coverage of a sporting event in the period beginning at 8:30 pm and ending at 5:00 am.
- (2) An online content service provider is permitted to provide gambling promotional content (other than promotion of odds, a commentator betting odds promotion or a representative venue-based promotion) on an online content service in conjunction with live coverage of a sporting event in the period beginning at 8:30 pm and ending at 5:00 am provided that it is:
 - (a) during an unscheduled break in play;
 - (b) in the five minutes before the scheduled start of the sporting event; or
 - (c) in the five minutes after the conclusion of the sporting event.
- (3) An online content service provider is permitted to provide gambling promotional content (other than promotion of odds, a commentator betting odds promotion or a representative venue-based promotion) on an online content service, in conjunction with live coverage of a sporting event, during a scheduled break (within the meaning of subsection (4)) in a sporting event in the period beginning at 8:30 pm and ending at 5:00 am.

[...]

21 Record of placement of gambling promotional material to be kept

- (1) An online content service provider who provides gambling promotional content on an online content service in conjunction with live coverage of a sporting event must make records sufficient to enable the provider's compliance with these rules to be readily ascertained, including without limitation:
 - (a) written records of the date and duration of the content stream of the live coverage of the sporting event and the location of the relevant end-users where known; and
 - (b) audio or audio-visual records, as the case may be, of the stream of the live coverage of the sporting event.
- (2) A written record, made in accordance with paragraph (1)(a), must be retained in the online content service provider's custody for at least 6 months after the day the live coverage of the sporting event to which the record relates was provided on the online content service.
- (3) An audio or audio-visual record, made in accordance with paragraph (1)(b), must be retained in the online content service provider's custody:
 - (a) for at least 6 weeks after the day the live coverage of the sporting event to which the record relates was provided on the online content service; or
 - (b) if, before the end of those 6 weeks, the provider becomes aware that a complaint has been made about compliance with these rules, in respect of that sporting event—for at least 90 days after the day the live coverage of the sporting event was provided.