

Infringement Notice

Under

**Paragraph 64C(1)(m) of the *Interactive Gambling Act 2001*
Part 5 of the *Regulatory Powers (Standard Provisions) Act 2014***

Infringement Notice Number: NSER-TAB-0003

To: Tabcorp Holdings Limited

ACN 063 780 709

Of: Tower 2, Level 19, 727 Collins St, Docklands VIC 3008

Email: [REDACTED]

Attention: Joel Williams, General Manager Regulatory Affairs

I, Rochelle Zurnamer, an infringement officer authorised under subsection 64C(2) of the *Interactive Gambling Act 2001* (the IGA), for the purposes of issuing an infringement notice under paragraph 64C(1)(m) of the IGA, having reasonable grounds to believe that Tabcorp Holdings Limited ACN 063 780 709 (TAB) has committed one contravention of subsection 61KA(3) of the IGA (the contravention), a civil penalty provision, which is subject to an infringement notice under Part 5 of the *Regulatory Powers (Standard Provisions) Act 2014* (the RPA),

HEREBY give an infringement notice (the Notice) under paragraph 64C(1)(m) of the IGA and Part 5 of the RPA, in relation to the contravention, to TAB.

Details of alleged contravention

It is alleged that, on 16 October 2024, TAB committed a contravention of subsection 61KA(3) of the IGA by providing a licensed interactive wagering service to a registered individual.

Schedule 1 to this Notice sets out brief details of the alleged contraventions of the civil penalty provision.

Amount of Penalty

The total pecuniary penalty (the penalty) specified in this Notice for the alleged contravention is \$18,780 calculated in accordance with paragraph 104(2)(b) of the RPA, as shown in the table in Schedule 2.

Payment of Penalty

The penalty should be paid to the Australian Communications and Media Authority (ACMA), on behalf of the Commonwealth, by deposit into the following account by 16/10/2025.

Please include the narration [REDACTED] with your payment:

ABN:
Financial Institution:
Branch:
BSB:
Account No:
Account Name:

[REDACTED]

Request for an extension to pay

You may apply to have the period in which to pay the penalty extended. To be effective the application for an extension must occur on or before 16 October 2025, or the date of any extensions that have been granted by the ACMA. This should be addressed to myself in the first instance at [REDACTED]. You can apply for an extension more than once.

If the application to extend the period in which to pay is not granted, the period in which to pay will end on the day that is the last day of the period in which to pay or the day that is 7 days after the day TAB received ACMA's decision not to extend, whichever is the later.

If the penalty is paid

If the penalty is paid to the ACMA, on behalf of the Commonwealth, on or before 16 October 2025, or the date of any extensions that have been granted by the ACMA and the Notice has not been withdrawn, proceedings seeking a pecuniary penalty order will not be brought, in relation to the alleged contravention.

Payment of the penalty does not constitute admission of guilt or liability.

If the penalty is not paid

If you do not pay the penalty on or before 16 October 2025, or the date of any extensions that have been granted by the ACMA, proceedings seeking a pecuniary penalty order may be brought, in relation to the alleged contravention.

Withdrawal of the infringement notice

The ACMA may withdraw this Notice. A withdrawal request can occur before or after 16 October 2025, or the date of any extensions that have been granted by the ACMA.

If you believe that the Notice should be withdrawn, you should write to the ACMA setting out the basis/reasons for this position. This should be addressed to myself in the first instance. The ACMA must take this into consideration when deciding whether or not to withdraw this Notice.

Should the ACMA withdraw the Notice, proceedings seeking a pecuniary penalty order may be brought, in relation to the alleged contravention.

If the Notice is withdrawn after the penalty is paid, the penalty will be refunded.

Dated this 18 September 2025



Rochelle Zurnamer
Executive Manager, Gambling and Mis/Disinformation
Australian Communications and Media Authority
Authorised Infringement Officer



SCHEDULE 1

BRIEF DETAILS OF THE ALLEGED CONTRAVENTION IS SET OUT BELOW, IN ACCORDANCE WITH SECTION 104 OF THE RPA.

1. Background

- 1.1. On 13 December 2024, the ACMA commenced an investigation under section 21 of the IGA into whether TAB had contravened the IGA.
- 1.2. The ACMA found that on 16 October 2024, TAB committed a contravention of subsection 61KA(3) of the IGA by providing a licensed interactive wagering service to a registered individual.

2. Matters giving rise to the Notice

- 2.1. TAB did not dispute that it provided a licensed interactive wagering service to the individual with the TAB customer reference [REDACTED] on 16 October 2024.

3. Relevant civil penalty provision of the IGA*Subsection 61KA of the IGA*

- 3.1. Subsection 61KA(3) provides that a licensed interactive wagering service provider must not provide a licensed interactive wagering service to a registered individual.
- 3.2. 'Licensed interactive wagering service provider' means a person who provides a licensed interactive wagering service (see section 61GB).
- 3.3. Section 61GB provides that a 'Licensed interactive wagering service' means a regulated interactive gambling service (see section 8E) that:
 - is a wagering service (see section 4); and
 - has an Australian-customer link (see section 8) and
 - is not provided in contravention of subsection 15AA(3). (That is, the provider of the regulated interactive gambling service must hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory) (see section 61GB).
- 3.4. 'Registered individual' means an individual registered in the National Self exclusion Register under Part 7B of the IGA (see section 61GB).
- 3.5. Subsection 64B(1) of the IGA provides that each civil penalty provision of the IGA is enforceable under Part 4 of the *Regulatory Powers (Standards Provisions) Act 2014* (RPA), including the civil penalty provisions in section 61MB.

4. Contravention of subsection 61KA(3) of the IGA by TAB

- 4.1. It is not disputed that TAB satisfies the key elements of a licensed interactive wagering service provider, as a person who provides a licensed interactive wagering service.
- 4.2. The individual with the TAB customer reference [REDACTED] became a registered individual on 27 December 2023.
- 4.3. TAB provided evidence that it provided the individual with licensed interactive wagering services on 46 days between 18 August and 23 October 2024, including on 16 October 2024. The individual was a registered individual during this period.
- 4.4. Subsection 61KA(3) of the IGA is a civil penalty provision.
- 4.5. The maximum penalty that the court could impose for a contravention of subsection 61KA(3) of the IGA is \$1,173,750 for corporations.

5. The amount of the penalty

- 5.1. The total penalty specified in the Notice is calculated in accordance with subsection 104(2) of the RPA, being the lesser of:
- (a) one-fifth of the maximum penalty that a court could impose on the person for that contravention; and
 - (b) 12 penalty units where the person is an individual, or 60 penalty units where the person is a body corporate.
- 5.2 The amount of each penalty unit being \$313 at the time of the contravention.

SCHEDULE 2

PENALTY FOR CONTRAVENTION OF SUBSECTION 61KA(3) OF THE IGA

Date of contravention	Number of contraventions of subsection 61KA(3)	Penalty units	Amount of penalty unit	Penalty imposed
16 October 2024	1	60	\$313	\$18,780