



Australian
Communications
and Media Authority
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Final Investigation Report – Interactive gambling – Tabcorp Holdings Limited

GINV-2025-00041

Summary

Entities involved in the service / advertisement	Tabcorp Holdings Limited
Name of service	Tabcorp
Date service was accessed	18 July 2025
URL	https://www.tab.com.au
Relevant legislation	<i>Interactive Gambling Act 2001</i>
Date finalised	22 September 2025
Finding	Between 16 February 2024 and 25 June 2025, Tabcorp Holdings Limited provided prohibited interactive gambling services to customers in Australia, in the form of an in-play betting service, in contravention of subsection 15(2A) of the <i>Interactive Gambling Act 2001</i> by accepting 426 online in-play bets across 32 sporting events.

Background

1. On 17 June 2025, the Australian Communications and Media Authority (the ACMA) commenced an investigation under section 21 of the *Interactive Gambling Act 2001* (the IGA) into the Tabcorp Holdings Limited (Tabcorp) wagering service available at the website <https://www.tab.com.au>.
2. The investigation was commenced in response to a complaint received on 31 March 2025 that Tabcorp had accepted 2 in-play bets on a tennis event in Mumbai (see paragraphs 21-23).
3. The investigation considered whether Tabcorp provided a prohibited interactive gambling service, in the form of an online in-play sports betting service, to customers in Australia in contravention of subsection 15(2A) of the IGA.

The service and licensee

4. The Tabcorp wagering service is provided at <https://www.tab.com.au>.
5. Tabcorp is licensed in each state and territory, except for Western Australia.

Key provision/s of the IGA

6. Extracts of the key provisions of the IGA are provided at **Attachment A**.

Finding

7. Between 16 February 2024 and 25 June 2025, Tabcorp provided prohibited interactive gambling services to customers in Australia, in the form of an in-play betting service, in contravention of subsection 15(2A) of the IGA by accepting 426 online in-play bets across 32 sporting events.

Reasons for decision

8. To assess whether the service is provided in contravention of subsection 15(2A) of the IGA, the ACMA considered the following questions:
 - > Is the service a prohibited interactive gambling service as defined in section 5 of the IGA?
 - > Does the service have an Australian-customer link?
9. To answer these questions, staff considered the operation of the Tabcorp wagering services at <https://www.tab.com.au>, and information provided by the complainant and Tabcorp.

Is the service a prohibited interactive gambling service?

10. Subsection 5(1) of the IGA sets out what is a prohibited interactive gambling service for the purposes of the IGA. The key elements of a prohibited interactive gambling service are that:
 - > it is a gambling service as defined in section 4 of the IGA
 - > it is provided in the course of carrying on a business (see paragraph 5(1)(a) of the IGA)
 - > it is provided to customers using certain services, including an internet carriage service (see paragraph 5(1)(b)(i)).
 - > it is not an excluded service listed in subsection 5(3) of the IGA.
11. The Tabcorp service made available at <https://www.tab.com.au> satisfies the first 3 key elements above, as it is:
 - > a gambling service for the placing, making, receiving or acceptance of bets;

- > provided in the course of carrying on a business, as evidenced by the provision of the service to the public, with an apparent view to making a profit (evidenced by the requirement to deposit funds as a condition of participation); and
- > provided to customers using an internet carriage service, as evidenced by the fact that the service was accessed using an internet connection.

Is the service an excluded service under subsection 5(3) of the IGA?

12. Subsection 5(2) of the IGA provides that subsection 5(1) has effect subject to subsection 5(3).
13. Subsection 5(3) provides that for the purposes of the IGA, certain kinds of services are excluded services and therefore not prohibited interactive gambling services.
14. Relevantly, an 'excluded wagering service', as defined in section 8A, is not a prohibited interactive gambling service (see paragraph 5(3)(aa)). This includes wagering services for betting on sporting events, other than in-play betting on sporting events.
15. Section 10B of the IGA provides that a gambling service is an *in-play betting service* to the extent to which:
 - (a) the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event; or
 - (b) the service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted.
16. The ACMA accepts Tabcorp's submission that between 16 February 2024 and 25 June 2025, it accepted 426 in-play bets across 32 tennis matches, affecting 354 customers.
17. The ACMA is satisfied that Tabcorp offered in-play betting on sporting events and, to that extent, the service is not an excluded wagering service (see paragraph 8A(3)(b) and section 10B of the IGA).
18. The preliminary view of the ACMA is that the service, to the extent that it provided in-play bets on sporting events, is not an excluded service under subsection 5(3) of the IGA and therefore is a prohibited interactive gambling service under section 5 of the IGA.

Does the service have an Australian-customer link?

19. To be provided in contravention of subsection 15(2A) of the IGA, the prohibited interactive gambling service must have an Australian-customer link. Under section 8 of the IGA, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.
20. It is not in contention that the customers of Tabcorp services are based in Australia.

Further information

Information from complainant

21. The complainant advised that they had placed two in-play bets on the women's tennis quarter final at the L&T Mumbai Open on 7th February 2025 (subject event).
22. Both bets were winning bets, with the complainant advising that as the bets were placed after the event commenced, Tabcorp voided the bets and refunded the amount of the bets the next day.
23. We received approval from the complainant to share details of the complaint with Tabcorp.

Correspondence with Tabcorp

24. On 2 May 2025, the ACMA wrote to Tabcorp outlining the information provided by the complainant and requesting details of the matter. We also asked that if the in-play bets were accepted as a result of a system error, that Tabcorp provide details of any other events where in-play bets were accepted as a result of the same issue.

25. A response was received on 10 June 2025 with Tabcorp providing the following information:

- > Betting on the subject event was closed some 22 minutes after it commenced, and the bets detailed by the complainant were in-play bets which were refunded.
- > Another 8 customers had placed in-play bets on the subject event.
- > The reason the in-play bets were accepted was related to systems communications errors between its third-party provider and Tabcorp systems. Additionally, the third-party provider also relied on information from another party, and there were issues identified in that process.
- > Tabcorp accepted in-play bets on 33 tennis matches, including the subject event, between 16 February 2024 and 7 May 2025 due to the same system error. In total 251 customers had bets refunded (voided).
- > In the period 16 January 2024 to 7 May 2025, Tabcorp offered betting markets on approximately 27,800 tennis matches, with less than 0.0012% of tennis markets affected by this system error.

26. On 23 June 2025, the ACMA sent a follow up letter to Tabcorp requesting further information on the in-play bets and system error. Tabcorp responded on 11 July 2025 and provided the following information:

- > A spreadsheet listing the events where in-play bets were accepted, with the following details for each event:
 - o actual start time
 - o time that betting was closed
 - o number of in-play bets accepted, including the number of customers affected
 - o the time that bets were voided.
- > The actual number of tennis matches affected by the system error was 2 less than what was advised in Tabcorp's correspondence dated 10 June 2025, as a further review identified that in-play bets accepted on those 2 events were a result of a 'Tabcorp trader error'.
- > Further details regarding the system error, including the date of first occurrence, the number of bets and customers affected, and steps taken to investigate the system error. Tabcorp also advised that its third-party provider could not implement a timely fix.

27. On 30 July 2025, Tabcorp wrote to the ACMA advising that the system error had been rectified on 18 July 2025 by a technical fix implemented by Tabcorp's third-party provider. The ACMA responded to Tabcorp on 4 August 2025, requesting further details of any in-play bets that were accepted by Tabcorp as a result of the system error between the last reported date, 7 May 2025, and the date of the technical fix, 18 July 2025.

28. Tabcorp responded on 14 August 2025, advising that one further tennis match on 25 June 2025 was affected by the system error, with 94 in-play bets being placed, impacting a total of 73 customers.

29. On 16 September 2025, Tabcorp further noted that its monitoring had not detected any further in-play bets arising from this issue.

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List of Attachments

Attachment A Relevant provisions of the IGA

ATTACHMENT A

Key provisions of the IGA**4 Definitions**

gambling service means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
 - (i) the game is played for money or anything of value; and
 - (ii) the game is a game of chance or of mixed chance and skill; and
 - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

5 Prohibited interactive gambling services

(1) For the purposes of this Act, a **prohibited interactive gambling service** is a gambling service, where:

- (a) the service is provided in the course of carrying on a business; and
- (b) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

(2) Subsection (1) has effect subject to subsection (3).

Excluded services

(3) For the purposes of this Act, none of the following services is a **prohibited interactive gambling service**:

- (a) a telephone betting service;
- (aa) an excluded wagering service (see section 8A);
- (ab) an excluded gaming service (see section 8B);
- (aba) a place-based betting service (see section 8BA);
- (ac) a service that has a designated broadcasting link (see section 8C);
- (ad) a service that has a designated datacasting link (see section 8C);
- (ae) an excluded lottery service (see section 8D);
- (b) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
- (ba) a wholesale gambling service;
- (bb) a trade promotion gambling service (see section 8BB);
- (c) an exempt service (see section 10).

8 Australian-customer link

For the purposes of this Act, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.

8A Excluded wagering service

Racing

(1) For the purposes of this Act, a service is an excluded wagering service to the extent to which the service relates to betting on, or on a series of, any or all of the following:

- (a) a horse race;
- (b) a harness race;
- (c) a greyhound race;

so long as the other conditions (if any) determined under subsection (2) have been satisfied.

(2) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (1).

Sporting events

(3) For the purposes of this Act, a service is an excluded wagering service :

- (a) to the extent to which the service relates to betting on, or on a series of, sporting events; and
- (b) to the extent to which the service is not an in-play betting service;

so long as the other conditions (if any) determined under subsection (4) have been satisfied.

(4) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (3).

Other events or contingencies

(5) For the purposes of this Act, a service is an excluded wagering service :

- (a) to the extent to which the service relates to betting on:
 - (i) an event; or
 - (ii) a series of events; or
 - (iii) a contingency;

that is not covered by subsection (1) or (3); and
- (b) to the extent to which the service is not an in-play betting service; and
- (c) to the extent to which the service is not covered by any of the following subparagraphs:
 - (i) a service for the conduct of a scratch lottery or other instant lottery;
 - (ii) a service for the supply of tickets in a scratch lottery or other instant lottery;
 - (iii) a service relating to betting on the outcome of a lottery;
 - (iiia) a service relating to betting on a contingency that may or may not happen in the course of the conduct of a lottery;
 - (iv) a service for the conduct of a game covered by paragraph (e) of the definition of gambling service in section 4;
 - (v) a service relating to betting on the outcome of a game of chance or of mixed chance and skill;

so long as the other conditions (if any) determined under subsection (6) have been satisfied.

(6) The Minister may, by legislative instrument, determine one or more conditions for the purposes of subsection (5).

(7) For the purposes of paragraph (5)(a):

- (a) assume that no conditions have been determined under subsection (2) or (4); and
- (b) disregard paragraph (3)(b).

10B In-play betting service

For the purposes of this Act, a gambling service is an **in-play betting service** to the extent which:

- (a) the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event; or

(b) service relates to betting on a contingency that may or may not happen in the course of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event.

15 Prohibited interactive gambling services not to be provided to customers in Australia

....

(2A) A person must not provide a prohibited interactive gambling service that has an Australian-customer link (see section 8).

Civil penalty: 7,500 penalty units.

(3) Subsections (1) and (2A) do not apply if the person:

(a) did not know; and

(b) could not, with reasonable diligence, have ascertained;

that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).