

**ENFORCEABLE UNDERTAKING GIVEN TO THE AUSTRALIAN COMMUNICATIONS AND
MEDIA AUTHORITY BY TABCORP HOLDINGS LIMITED (063 780 709) UNDER SECTION 572B
OF THE TELECOMMUNICATIONS ACT 1997 (CTH)**

1. Definitions

1.1. In this Undertaking:

- 1.1.1. **ACMA** means the Australian Communications and Media Authority.
- 1.1.2. **ACMA Authority Member** means the members identified under section 19 of the *Australian Communications and Media Authority Act 2005 (Cth)*.
- 1.1.3. **Commencement date** has the meaning given in subclause 2.1.
- 1.1.4. **DNCR** means the Do Not Call Register.
- 1.1.5. **DNCR Act** means the *Do Not Call Register Act 2006 (Cth)*.
- 1.1.6. **ICT systems** means information and communication technology systems.
- 1.1.7. **Implementation Plan** means the Tabcorp Board approved plan referred to in clause 6.1.1.
- 1.1.8. **Independent Consultant** means a qualified and independent consultant with expertise in audits relating to risk and compliance, processes, procedures, systems, governance and controls.
- 1.1.9. **Relevant Provisions** means subsection 11(1) of the DNCR Act and subsections 8(1), 8(3) and 9(2) of the Telemarketing Industry Standard.
- 1.1.10. **Report** has the meaning given in clause 5.2.
- 1.1.11. **Senior Executive Service** means the Senior Executive Service constituted by subsection 35(1) of the *Public Service Act 1999 (Cth)*.
- 1.1.12. **Tabcorp** means Tabcorp Holdings Limited, ACN: 063 780 709.
- 1.1.13. **Tabcorp Board** means Tabcorp Board of Directors or equivalent management body or most senior compliance and/or risk committee.
- 1.1.14. **Telecommunications Act** means the *Telecommunications Act 1997 (Cth)*.
- 1.1.15. **Telemarketing Call** means a telemarketing call (within the meaning of the DNCR Act or Telemarketing Industry Standard, as applicable).
- 1.1.16. **Telemarketing Complaint** means a complaint by any person or body to Tabcorp that relates to a Telemarketing Call made, or alleged to have been made, by Tabcorp and includes complaints notified to Tabcorp by the ACMA.
- 1.1.17. **Telemarketing Industry Standard** means the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017*.
- 1.1.18. **Term** has the meaning given in subclause 2.2.
- 1.1.19. **VIP Program** means the current or future program run by Tabcorp pursuant to which eligible customers receive personalised, direct communications regarding Tabcorp services from a Tabcorp personnel or agent (who may be referred to as a 'customer experience manager' (or equivalent)).

- 1.2. Terms that are defined in the DNCR Act, Telemarketing Industry Standard and Telecommunications Act have the same meaning in this Undertaking, unless

otherwise specified.

2. Term of the Undertaking

- 2.1. This Undertaking commences when accepted in writing by the ACMA (**Commencement date**). This will be the date the Undertaking is signed and dated by an authorised representative of the ACMA.
- 2.2. This Undertaking will have effect for 24 months from the Commencement date (**Term**) unless:
 - 2.2.1. it is withdrawn or varied by Tabcorp with the ACMA's consent under subsection 572B(3) of the Telecommunications Act; or
 - 2.2.2. cancelled by the ACMA under subsection 572B(4) of the Telecommunications Act.
- 2.3. This Undertaking will cease to have effect upon expiry of the Term (or upon prior withdrawal or cancellation as referred to in subclause 2.2 above).
- 2.4. Any notice or approval required or permitted to be given by the ACMA under this Undertaking may be given by any ACMA authority member or by any ACMA staff member who is a member of the Senior Executive Service.

3. Background

- 3.1. On 23 December 2025, the ACMA notified Tabcorp that the ACMA had reasonable grounds to believe that, during the relevant period, Tabcorp made Telemarketing Calls in contravention of the Relevant Provisions.
- 3.2. Tabcorp cooperated with the ACMA's investigations and acknowledges the ACMA's findings. In response, Tabcorp offers this Undertaking to the ACMA aimed at addressing future compliance with the Relevant Provisions.

4. Undertaking

- 4.1. Tabcorp undertakes to take the following specified actions to ensure Tabcorp complies with and does not contravene the Relevant Provisions in the future.

5. Independent Consultant

- 5.1. Tabcorp undertakes to appoint an Independent Consultant to:
 - 5.1.1. review Tabcorp's current governance, assurance, policies, procedures, and systems (including ICT systems) applicable to its compliance with the Relevant Provisions in relation to the VIP Program to ensure ongoing integrity and functionality of the relevant process and systems;
 - 5.1.2. identify any instances of deficiencies in the matters set out in clause 5.1.1 where the Independent Consultant considers that these may cause non-compliance with the Relevant Provisions in relation to the VIP Program;
 - 5.1.3. review remediation action undertaken to date to address the root causes of the ACMA's findings regarding compliance with the Relevant Provisions in relation to the VIP Program and any issues identified in the internal quality assurance audit (undertaken in accordance with clause 8.1); and
 - 5.1.4. review training programs and supervision of personnel who make Telemarketing Calls as part of the VIP Program.
- 5.2. Within 6 months of the appointment, Tabcorp will ensure that the Independent Consultant produces a confidential report and provides it simultaneously to the Tabcorp Board and the ACMA (**Report**). The Report will:

- 5.2.1. provide analysis about the state of each of the matters listed under paragraph 5.1 and whether they are sufficient to achieve compliance with the Relevant Provisions; and
- 5.2.2. make recommended improvements against each of the matters listed under paragraph 5.1.
- 5.3. Tabcorp undertakes to seek written approval from the ACMA for the appointment of the proposed Independent Consultant within 30 business days after the Commencement date of this Undertaking. If the ACMA does not approve the choice of Independent Consultant, Tabcorp will repeat this process until it has the ACMA's written approval.
- 5.4. Tabcorp undertakes to appoint the Independent Consultant, and to provide written notification of that appointment to the ACMA, within 10 business days after the ACMA has given its written approval.
- 5.5. Subject to the ACMA's written agreement, Tabcorp may remove the Independent Consultant at any time and replace the Independent Consultant with a new Independent Consultant approved in writing by the ACMA.
- 5.6. If the ACMA does not approve the choice of Independent Consultant, Tabcorp will repeat this process until it has the ACMA's approval.

6. Board approved Implementation Plan

- 6.1. Within 40 business days of receiving the Report, Tabcorp will:
 - 6.1.1. develop an Implementation Plan setting out the steps Tabcorp has taken, or will take, to implement all the recommendations made by the Independent Consultant in the report, including timeframes (unless the ACMA specifically agrees in writing upon request from Tabcorp that any recommendation need not be implemented);
 - 6.1.2. obtain the formal approval of the Board for the Implementation Plan; and
 - 6.1.3. provide a copy of the Board-approved Implementation Plan to the ACMA, accompanied by the date the Implementation Plan was approved by the Tabcorp Board.
- 6.2. Tabcorp undertakes to comply with the approved Implementation Plan in accordance with the timeframes specified within it.
- 6.3. The Implementation Plan may be modified at any time subject to the ACMA's written approval. Any request for a modification must be made in writing to the ACMA accompanied by a business case for why the modification is required, including setting out how it will impact future compliance.

7. Independent Consultant Review

- 7.1. The Independent Consultant will review Tabcorp's governance, assurance, policies, procedures and systems (including ICT systems) applicable to its compliance with the Relevant Provisions 12 months after the Implementation Plan has been approved by the Tabcorp Board. The Implementation Plan will be provided to the Independent Consultant by Tabcorp at the commencement of the review.
- 7.2. The Independent Consultant will provide the results of their review in writing to the Tabcorp Board and, at the same time, the ACMA within 2 months of the commencement of the review, including a statement about whether they are satisfied that Tabcorp's governance, assurance, policies, procedures and systems (including ICT systems) are effective in ensuring compliance with the Relevant Provisions and a statement about

outstanding matters or new recommendations.

8. Ongoing assurance and reporting

- 8.1. Every 3 months from the Commencement date, Tabcorp will conduct an internal quality assurance audit of its compliance with the Relevant Provisions in relation to the VIP Program. This will consist of an audit of a statistically relevant random sample of Telemarketing Calls made to its prospective and existing VIP Program customers.
- 8.2. The results of the audit, including the number and percentage of the marketing calls, the methodology used, any identified non-compliance and any planned remediation or action taken, and applicable dates, will be reported to the Tabcorp Board within one month of the audit commencing.
- 8.3. Seven months from Commencement date, and every 6 months from that point on for the Term, Tabcorp will provide a compliance report, approved by the Tabcorp Board, to the ACMA that covers the previous 6 months that includes:
 - 8.3.1. the status of actions Tabcorp has taken and will take under the Implementation Plan;
 - 8.3.2. results of assurance audits under subclause 8.1 of Telemarketing Calls made during the previous 6 months to confirm compliance with the Relevant Provisions, including, the methodology used, a summary of findings, identified non-compliance and remediation actions undertaken or planned;
 - 8.3.3. a report de-identified of information that could reasonably identify an individual about all Telemarketing Complaints made to Tabcorp about alleged non-compliance with the DNCR Act and the Telemarketing Industry Standard, including the date of the Telemarketing Complaint and a unique identifier for each Telemarketing Complaint;
 - 8.3.4. action Tabcorp has taken on all Telemarketing Complaints that the ACMA has notified Tabcorp about or received by Tabcorp directly from any person or body; and
 - 8.3.5. confirmation of compliance with the training obligations under clause 9 of this Undertaking where relevant.

9. Training

- 9.1. Within 60 business days of the Commencement date, Tabcorp undertakes to train all personnel and agents who make Telemarketing Calls as part of the VIP Program and their direct line managers, to ensure compliance with the Relevant Provisions.
- 9.2. Tabcorp undertakes to repeat the training, described in subclause 9.1, every 12 months for the Term of the Undertaking.
- 9.3. Tabcorp undertakes to provide training similar to that described in subclause 9.1, for all new personnel and agents within 6 weeks of their commencement in such telemarketing roles as part of the VIP Program, and any personnel and agents in such telemarketing roles as part of the VIP Program within 6 weeks of returning from a period of leave who have not previously undertaken the training described in subclauses 9.1 and 9.2 in the last 12 months.

10. Record-keeping

Tabcorp undertakes to:

- 10.1. maintain records of:

- 10.1.1. Telemarketing Calls made, or caused to be made, by Tabcorp personnel or agents in relation to the VIP Program including records of the date each relevant number was washed against the DNCR;
 - 10.1.2. consent obtained from a VIP Program customer including records identifying the relevant customer, the date and method by which the relevant individuals' provided their consent, the form of words used to obtain consent from relevant individuals, the terms and conditions associated with the consent and a description of the process and method by which such consent was obtained from relevant individuals; and
 - 10.1.3. steps taken and improvements made in response to any systemic problems identified by any report produced by the Independent Consultant or Tabcorp; and
- 10.2. provide copies of records referred to in this clause to the ACMA as soon as practicable and in any case within 20 business days upon request by the ACMA.

11. Acknowledgments

Tabcorp acknowledges that the ACMA may:

- 11.1. issue a media release and undertake other media activity on execution of this Undertaking referring to its terms;
- 11.2. publish this Undertaking available for public inspection; and
- 11.3. refer to this Undertaking publicly from time to time.

Execution

SIGNED by an authorised representative for
Tabcorp Holdings Limited (ACN: 063 780
709)

SIGNED by an authorised representative for the
**AUSTRALIAN COMMUNICATIONS AND MEDIA
AUTHORITY**

Signature of Authorised Representative

Gillon McEachern

Name of Authorised Representative

CEO

Title of Authorised Representative

27/5/26

Date of Signature

Signature of Authorised Representative

Jeremy Fenton

Name of Authorised Representative

Executive Manager
Unsolicited Communications and Scams Branch

Title of Authorised Representative

28/05/2026

Date of Signature