



Infringement Notice

Telecommunications Act 1997

I, Jeremy Fenton, an authorised infringement notice officer for the purposes of section 572L of the *Telecommunications Act 1997* (**Telecommunications Act**), having reasonable grounds to believe that Tabcorp Holdings Limited ACN 063 780 709 (TAB) has committed one or more contraventions of a particular civil penalty provision,

HEREBY give an infringement notice (**the Notice**) under subsection 572E(1) of the Telecommunications Act to:

Tabcorp Holdings Limited

at

Tower 2, Level 19, 727 Collins Street Docklands VIC 3008

Details of Alleged Civil Contraventions

It is alleged that TAB contravened subsection 128(1) of the Act between 11 April 2025 and 5 June 2025 by failing to comply with section 8 [Prohibited calling times] and section 9 [information to be provided as soon as the call starts] of the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017* (**the Telemarketing Industry Standard**).

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

Amount of Penalty

The total pecuniary penalty (**the penalty**) for the alleged civil contraventions is \$1,504,800. The penalty is calculated in accordance with section 572G of the Telecommunications Act, as set out in the table in paragraph 5.1 of Schedule 1 to this Notice.

Payment of Penalty

The penalty should be paid to the Australian Communications and Media Authority (ACMA), on behalf of the Commonwealth, into the following account by 8 May 2026. Please include the narration [REDACTED] with your payment:

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



If the penalty is paid

If the penalty specified in the Notice is paid to the ACMA, on behalf of the Commonwealth, by 8 May 2026, the matters outlined in the Notice will not be dealt with by the Federal Court of Australia and any liability for the alleged contraventions that are the subject of this Notice is discharged.

If the penalty is not paid

If you do not pay the penalty by 8 May 2026, the ACMA may take action for the alleged contraventions.

That action may include the institution of civil penalty proceedings in the Federal Court. The penalties that the Court can impose are potentially significantly higher than that in an Infringement Notice (see section 570 of the Telecommunications Act).

Withdrawal of the infringement notice

The ACMA may withdraw this Notice. To be effective the withdrawal must occur within 28 days after the Notice was given.

If you believe that the Notice should be withdrawn, you should write as soon as practicable setting out the basis/reasons for this position. Your application should be addressed to me in the first instance. The ACMA may take this into consideration when deciding whether or not to withdraw this Notice.

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

Please note that if this Notice is withdrawn, the ACMA may consider taking action, including under section 570 of the Telecommunications Act, for the alleged contraventions, the subject of this Notice.

DATE: 10 April 2026



Jeremy Fenton
Executive Manager
Unsolicited Communications and Scams Branch
Australian Communications and Media Authority
Authorised Infringement Notice Officer

SCHEDULE 1

In accordance with section 572F of the Telecommunications Act, brief details of each of the contraventions are set out below.

1. Background

- 1.1. Tabcorp Holdings Limited (TAB) ACN 063 780 709 is a registered company under the Corporations Act 2001, with a registered office at Tower 2, Level 19, 727 Collins Street Docklands VIC 3008.
- 1.2. TAB is an Australian gambling and wagering operator providing betting and gaming services via retail and digital platforms. As part of its VIP Program 'Tab X', TAB conducts outbound telemarketing calls to advertise, promote, and supply its wagering products and services to selected customers.
- 1.3. As TAB engages in telemarketing activity described under subsection 109B(1) of the Telecommunications Act, there are reasonable grounds to believe that TAB is a participant of the telemarketing industry. As such, TAB must comply with the Telemarketing Industry Standard in accordance with subsection 128(1) of the Telecommunications Act.
- 1.4. On 24 July 2025, the ACMA commenced an investigation into whether TAB had contravened the Telecommunications Act by failing to comply with the Telemarketing Industry Standard.

2. Matters giving rise to the Notice

- 2.1. Information obtained by the ACMA from TAB during its investigation indicates that between 11 April 2025 and 5 June 2025, TAB made telemarketing calls to customers of its VIP program, 'Tab X'.
- 2.2. The purpose of the calls referred to in paragraph 2.1, was to offer or supply TAB goods or services, or to advertise or promote TAB goods or services, including bonus bets and offers of tickets to sporting and other events. Accordingly, these calls constitute telemarketing calls as defined in section 7 of the Telecommunications Act.
- 2.3. The relevant calls set out in this Notice were obtained from TAB under a compulsory information gathering notice given to TAB on 24 July 2025 and further information provided to the ACMA on 10 November 2025.

3. Details of the contraventions

- 3.1. The ACMA has reasonable grounds to believe that during the relevant period, TAB did not comply with subsection 8(1), 8(3) and 9(2) of the Telemarketing Industry Standard
- 3.2. These are a subset of the contravention findings set out in the ACMA's investigation findings dated 22 December 2025.

Section 8: Prohibited Calling Times

- 3.3. The ACMA found that TAB made telemarketing calls during the prohibited calling times on weekdays, weekends and public holidays in contravention of paragraphs 8(1)(a),(b),(d),(e) and subparagraph 8(3)(a)(v) of the Telemarketing Industry Standard.

- 3.4. These provisions prohibit telemarketing calls before 9 am or after 8 pm on weekdays, after 5 pm on Saturdays, at any time on Sundays, and on the national public holiday of Anzac Day, unless a caller has the express consent of the recipient.

Section 9: Provision of information during telemarketing calls other than research calls

- 3.5. The ACMA also found that TAB made telemarketing calls which failed to include the required information to be provided as soon as the call starts, specified in paragraph 9(2)(e).
- 3.6. This provision specifies clear requirements for telemarketing calls to ensure that callers must state the purpose of the call as soon as the call starts.

4. Relevant civil penalty provision of the Telecommunications Act – section 128(1)

- 4.1. As a result of its investigation, the ACMA has reasonable grounds to believe that during the relevant period, TAB did not comply with subsections 8(1), 8(3) and 9(2) of the Telemarketing Industry Standard.
- 4.2. A contravention of the Telemarketing Industry Standard is a contravention of the subsection 128(1) of the Telecommunications Act, which is a civil penalty provision (subsection 128(3) of the Telecommunications Act).

5. The amount of the penalty

- 5.1. The total penalty specified in the Notice is \$1,504,800 calculated in accordance with section 572G the Telecommunications Act, as shown in the tables below.

Table 1: Penalty for contraventions of subsection 128(1) of the Telecommunications Act regarding subsections 8(1) and 8(3) of the Telemarketing Industry Standard

Date of contravention	Telemarketing Industry Standard Contravention	Civil penalty provision allegedly contravened	Number of contraventions	Penalty units ¹	Penalty imposed
16/04/2025	Paragraph 8(1)(a)	Subsection 128(1)	2	120	\$39,600
19/04/2025	Paragraph 8(1)(d)	Subsection 128(1)	2	120	\$39,600
21/04/2025	Paragraph 8(1)(a)	Subsection 128(1)	1	60	\$19,800
22/04/2025	Paragraph 8(1)(b)	Subsection 128(1)	1	60	\$19,800
25/04/2025	Paragraph 8(3)(a)(v)	Subsection 128(1)	1	60	\$19,800
27/04/2025	Paragraph 8(1)(e)	Subsection 128(1)	3	180	\$59,400
03/05/2025	Paragraph 8(1)(d)	Subsection 128(1)	1	60	\$19,800
04/05/2025	Paragraph 8(1)(e)	Subsection 128(1)	1	60	\$19,800

¹ At the time of the alleged contraventions, the amount of a penalty unit was \$330, see section 4AA of the *Crimes Act 1914*.

11/05/2025	Paragraph 8(1)(e)	Subsection 128(1)	1	60	\$19,800
13/05/2025	Paragraph 8(1)(a)	Subsection 128(1)	1	60	\$19,800
19/05/2025	Paragraph 8(1)(a)	Subsection 128(1)	2	120	\$39,600
30/05/2025	Paragraph 8(1)(a)	Subsection 128(1)	2	120	\$39,600
01/06/2025	Paragraph 8(1)(e)	Subsection 128(1)	1	60	\$19,800
5/06/2025	Paragraph 8(1)(a)	Subsection 128(1)	1	60	\$19,800
Total of Table 1			20	1200	\$396,000

Table 2: Penalty for contraventions of subsection 128(1) of the Telecommunications Act regarding Paragraph 9(2)(e) of the Telemarketing Industry Standard

Date of contravention	Telemarketing Industry Standard Contravention	Civil penalty provision allegedly contravened	Number of contraventions	Penalty units	Penalty imposed
11/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	10	600	\$198,000
14/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	1	60	\$19,800
15/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	6	360	\$118,800
16/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	5	300	\$99,000
17/04/2025	Paragraph 9(2)(e)	Subsection 129(1)	7	420	\$138,600
19/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	3	180	\$59,400
22/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	7	420	\$138,600
28/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	3	180	\$59,400
29/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	7	420	\$138,600
30/04/2025	Paragraph 9(2)(e)	Subsection 128(1)	6	360	\$118,800
1/05/2025	Paragraph 9(2)(e)	Subsection 128(1)	1	60	\$19,800
Total of Table 2			56	3360	\$1,108,800
Total of Table 1 and Table 2			76	4560	\$1,504,800