[redacted]

From: [redacted]
Sent: Wednesday, 22 January 2025 8:09 AM
To: [redacted]
Cc: DL - [redacted] & Assistant
Subject: FW: For agreement – L.E. Cleary & R.A. Cleary (Partnership) trading as VicBet – Close investigation with contravention findings – Interactive Gambling Act 2001 (IGA) [SEC=OFFICIAL:Sensitive]
Attachments: Update [SEC=OFFICIAL]

OFFICIAL:Sensitive

Morning [redacted],

Final investigation report for publication

I have reviewed a copy of the final investigation report and included two comments for consideration . Subject to resolving those, I agree to make the findings and close the investigation report.

Enforcement

I note the remedial measures undertaken by VicBet as per their letter of 10 January and understand from [redacted] handover email (**attached**) that the Authority was comfortable with a Formal Warning being issued in this case. I am comfortable with this combination of remedial measures and FW.

Publication

I understand that VicBet has been offered an opportunity to comment on publication of the report for the purposes of section 180 of the BSA. I understand that there have been some minor edits to the final report (to incorporate the January submissions etc). There do not appear to be references to any third parties who may need to be offered an opportunity under 180.

We will need to draft a media release and prepare for publication of the final report and the FW – to discuss timing – VicBet will need to be given an opportunity prior to the release to see the media release etc but I take it that is all in hand in next steps etc

Regards

[redacted]

[redacted]
Executive Manager
Gambling & Mis/Disinformation Branch

_____

Australian Communications and Media Authority
+61 2[redacted] | [redacted]
[redacted]@acma.gov.au
acma.gov.au

Executive Assistant: [redacted]
T +61[redacted]
E [redacted]@acma.gov.au

The ACMA acknowledges First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work

and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.



OFFICIAL:Sensitive

From: [redacted]
Sent: Saturday, 18 January 2025 8:56 AM
To: DL - [redacted] & Assistant [redacted]&Assistant@acma.gov.au>
Cc: [redacted]
Subject: For agreement – L.E. Cleary & R.A. Cleary (Partnership) trading as VicBet – Close investigation with contravention findings – Interactive Gambling Act 2001 (IGA) [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Dear [redacted]

For agreement – L.E. Cleary & R.A. Cleary (Partnership) trading as VicBet – Close investigation with contravention findings – *Interactive Gambling Act 2001* (IGA)

Background:

- On 6 June 2024, the ACMA opened an investigation into L.E. Cleary & R.A. Cleary's (Partnership), trading as VicBet, compliance with the IGA. This followed a consumer complaint about VicBet's non-compliance with BetStop – the National Self-Exclusion Register™ (NSER).
- On 17 December 2024, the ACMA issued preliminary findings to VicBet. VicBet provided a response to the preliminary investigation report on 20 December 2024 and 10 January 2025 in which it accepted the ACMA's findings and provided additional details of the remedial steps it has taken.

Investigation Recommendation:
I recommend that you, **agree** to close the investigation into VicBet and make a finding consistent with the final Investigation Report that VicBet subsection 61LA(2) of the IGA in relation to 1 regulated electronic message that it sent to an electronic address it knew to be the electronic address of a registered individual.

Details and reasons for the contravention are set out in the final Investigation Report.

The following submissions from VicBet have been considered in making these findings:

- 3 July 2024 (Submission 1)
- 21 November 2024 (Submission 2)
- VicBet's response to the preliminary investigation report (dated 20 December and 10 January 2025).

Subject to your agreement to make findings, VicBet will be provided with a copy of the final Investigation Report.

VicBet has previously been provided with an opportunity to comment on the publication of the ACMA's findings, consistent with section 180 of the *Broadcasting Services Act 1992*. VicBet did not make a comment on publication.

Enforcement Action
In its submission of 10 January 2025, VicBet detailed the remedial measures that it has put in place. This includes:

- Enhanced screening processes to identify registered individuals including [redacted]
- Additional staff training and guidance for compliance

- Internal audits and compliance monitoring.

On the basis of the remedial steps that VicBet has taken and noting that the investigation was limited to one contravention, it is recommended that a formal warning be issued.

Subject to your views on this, a formal warning will be drafted for your agreement as delegate.

Regards

[redacted]
Manager – National Self-Exclusion Register Section
_____

Australian Communications and Media Authority
T +61 3[redacted] M +61[redacted]
E [redacted]@acma.gov.au
acma.gov.au





OFFICIAL:Sensitive